

Previous references.

g m 80-20
24-19

19th 7.

(Legs

File No 18-19

Serial Nos. 1-2

Later references:

Lugis 5-30 (1-100)

P-144

GENERAL AND REVENUE SECRETARIAT.

A collection of Manuscripts

Serial Nos. Two

for July 1925

Part B for

SUBJECT

Bill to amend the Patents and Designs
Regulation 1892

Nobis No. 160 & 13-7-25

To the Compiler

The publication of
Notified by the Mysore Patents and Designs Regulation
which received the assent of His Highness Maharaja
on the 7th day of July 1925 as Regulation III of 1925.

Manaswamy Jyengar
16/9/26.

1918/19

GENERAL AND REVENUE SECRETARIAT.

(^{Heys} ~~G. S.~~)

NOTES.

File No. ~~211~~ 1

FILE HEADING.

Extension of time of the exclusive privilege in the case of
to a period equal to that of Patents Inventions

From

D. B. Ramachandra Mudaliar Esq.

No. Letter

Dated 17. 7 19

Received 24. 7. 19

Diary No. 1637

Enclos. nil Spare Copies. nil

Serial No. /

BRIEF ABSTRACT OF LETTER.

With reference to his design of Vishnu on his vehicle Garuda
accompanied with his concepts Lakshmi and Rukmani requests
states that it can be used for only 5 years and requests that
the term may be extended to 14 years or special
additional years as in the case of inventions.

NOTES AND ORDERS.

Asst. Secretary's note drawing his inspection of the Branch in July
Commencement of Copyright in the case of designs

(Pud) M. V. Subbarama Iyer

2) Asst. Secretary has noted that this question should be taken
up.

1638

G. R. S. III-2,

General and Revenue
Secretariat.

Lugis 14
G. m. File No. 24 of 1919.

Serial
No. 3)

This is a general question According to section 52 of the Designs and Inventions Regulation XI of 1911 the proprietor of a design duly registered, can have copyright for 5 years. In the case of inventions, the period during which an applicant can have exclusive privilege is 14 years provided he has the continuous use of the invention therefor. Further this period can be extended under subclause 5 of section 15, to 7 years or even to 14 years. It is requested under ⁱⁿ Paper under disposal, that the term for the designs may be similarly extended.

4) In British India the copyright in respect of a design can be extended to a period of 5 years on payment of an extension fee of Rs 10/- for every 5 years to the end of 15 years. vide Pages 24 & 25

Section 47 (2) of the Handbook of the Patent Office
Submitted for orders

10 9/10

R.S. 1/11/19

28-7-19-5) The Inventions & Designs Regn in Mysore may ~~also~~ be amended to provide for renewals of registration as in Br India

The Prob Branch & the Govt Advocate will be consulted & the

781-347
30-7-19

Int Member

M. V. V. 28/7

1638

~~10~~ 1000

~~File No.~~

of 191 Y 157

Serial
No.

Serial No. 61
The Prot. Bo & the G.A. may be consulted re proposed. Remains papers are not in the file. This is not the first occasion on which I have had any necessity to write attention to such an omission. Repetitions are best avoided. Why is Mr. R. Musalia so very particular about registering this design for a letter head? It is rather unusual, it seems to me.

P. Rajahmundry Ros.

these

87.9.69

(7)

Protection Branch for favor of
remarks on the proposal in Para 5 above.

Imperialis Duz. 2

48

Submitted

APR
6/8

6) Applications for the registration of marks seem to be very few in an State is open to the proprietors to have marks re-registered after the expiry of 5 years necessary. An amendment of the Reg. is purpose does not seem to be desirable.

D. M.
13/8

21/10/20

10) It is not clear from the Regulation whether a design once registered can be re-registered. If the design is once re-

Luis
for

File No. 24 | 8 of 1919. 20

Serial
No.

it ceases to be a new and original design. According to section 57 after the expiration of the term (i.e. 5 years vide section 52), the cessation of the right should be noted in the Register of Designs. There is no provision in the Regulation for its continuance.

B.R.S. 15819 by N.V.

11) Forwarded ^{unofficially} with comments to the Secy Advocate for forwarding remarks.

For
Invaria's design
for Ch. Sec.

(1919)

12) Section 52 of the Inventions and Designs Regulation No. 21 of 1896, corresponding to section 53 of the British Indian Act of 1888, fixes the period of copyright at 5 years.

13) In the case of inventions the usual period of 14 years fixed by section 8 of the Regulation may be extended under the circumstances and subject to the conditions laid down in section 15. But no such provision exists in respect of designs.

The Indian Patents and Designs Act of 1911 - at No. 11 of 1911

(16286)

Lupso

Lupso

File No.

24¹⁸

of 1919-20.

Serial
No.

has made provision for extension
of the period of 5 years to a maxi-
-mum period of 15 years under
subsections (2) & (3) of Section 47

15) But here as the law stands
at present no renewals are possible
and no extension of time can
be granted. If necessary the law
on this subject will have to be
amended as in British India.

W. S. Narayana Rao

Government Advocate
30/8/19

Submitted with reference to paragraph above
Members' remarks in
RS 1.9.19 It seems desirable to amend the
regulation.

18) No information is available as to why
Mr. Mudaliar is particular about the registration
of this design.

M. Venkatesa Iyer
9/9
3/9

(Chief)

19) Inform him that under Sec
52 his request cannot be granted

20) The question of amending the law
here in accordance with Br. Indian
legislation may be considered

C. S. Balasubramanyam Iyer
2/9

1) Prop. - 2/9
- 10/9

CHIEF SECRETARIAT.
IV
CR Depts.
17 SEP 1919
m R 61

Lugs

File No. 24

of 1919-20

Serial
No.

Submitted with a draft for approval.

22) R.S.
0.9.19. U.N.V.~~Done & put up~~

Two

11/9

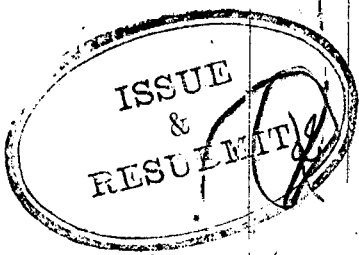
23) Dft may be appd.

24) After issue of this draft the file
will be sent to the Legislative
Secy for further need action to
amend the regulation.

First Member)

Inventor
11/9

25) Draft approved.

26) In this action may be taken as proposed
above.R. Raghunendra Rao
13.9.19

27) Issue draft & put up

Inventor
15/9

A. B. Ramachandra Mudaliar Esq.

8. 7027 of 18.9.1919

Informs that under Section 22
of the Inventions & Designs Regn his request
cannot be granted28) Submitted with reference to paragraph 24 above
R.S. 11/9 U.N.V. of 11/9
Further action to
amend the Inventions & Designs
Regn. in the above particulars.

(Design Secy)

11/9
26/9PROTECTION BRANCH.
29 SEP 1919

General and Revenue
Secretariat.

Reg's File No.

8 of 1919

Serial
No.

201 Subd. with a draft bill with
a statement of objects & reasons.
The draft has been prepared
on the lines of sub-sections
(2) & (3) of S. 47 of Act II of
1911 of the Govt. of India.
a) The fee to be prescribed in
the main schedule for the appli-
cation for extension has to be
fixed. The present fee for
an application for registration
is Rs 10.
b) In British India the fee on a
request to register design is Rs 3/-
& that on a request to extend
copyright is Rs 10/-

Subd. for order

S. G.

3/11/19 A.S.R. 33) Mase p/b (in Off Bill & the
objts & reasons.
Sh. of C.M. typed

D. Mahadmayya.

34/2 typed - my - to subd for appb

S. G.

5/2 A.S.R. 33) No amendment is based on sub-section
2 & 3 of S. 47 of Act II of 1911 (H.C.)Chief Secy-
II Member
1st member

P. Mahadmayya.

C.S. Zaladmayya

16/2/20

4226

17.2.20

NOTE—Contn. sheet.

H.C.
P. 24 of 1m
Patent office handb.nos. 21 & 23 p. 44
in handb.L.S.
2/2

5673

G. R. S. III-2]

General and Revenue
Secretariat.

File No. 18 of 1919

Serial
No.

86) The British Indian Act does not
prescribe a period within which an
application is to be made, but leaves it
to the discretion of the rules & the law
used. It is a defect which has been
adopted here.

Mr. H. H. H. H.

1/3

~~But in the British Indian Act~~
~~provision is made in section~~

87) In s. 13 of the Regn. such a
period is prescribed for putting
an application for the extension
of the privilege relating to an
invention. A similar clause
was adopted in the present
Amendment relating to Design
Invent.

86 S. 8.

3/3 ASR 86) And up to is invited to s. 13
of the Mysore Inventions & Designs
Regn. 1894. It will tend towards
uniformity if a similar clause is
adopted.

P. Mahade

III Member

89) But what is the reason for this

5031

NOTE—Contn. sheet.

Left File No.

5673

18 of 1919-20

Serial
No.

Indian Legislature adopting a different
course from the one suggested & asking
that they not have followed but however
pleasing it is for the sake of securing uniformity

Left 3/3

Mr. Hanifa Hussain 20/3

22/3

Encl.

46) The British Indian Act has
been based on the British Statute
1907 (7 Edw. 7, c. 29) where a model
provision has been used. A
reference to the statements
of objects & reasons & the
proceedings of the Imperial
legislative Council in connection
with the Act does not
shed any more light on the
reasons which have prompted
the drafters of the Govt. of
India Act to ~~adopt~~ leave
it the time for renewal being
prescribed by rules.

Ind. S. 17 & 31
pp. 461 & 476 of
the volume of the
Statutes put up

SG S.G.
6/6 A.S.R.

5593
9.4.20

4/11/11 Member Simla to
in favour of the piece of the Govt. of India
from the Govt.

Sub V for orders
P. Mahabalan
P. M.
9/6

Mr. Hanifa Hussain

22/4

G. R. S. 111-2]

General and Revenue
Secretariat.

Ljjs File No.

of 1919-20

Serial
No.

U. No. 54-4
Protection
of 22.4.1920
with a book

29.28

U. O. 7. No. 8/1920

Ch. Secy. Secy.
APR. 1920

unofficially
U. Forwarded U.O. with Compliments
to the Govt. & Advocate for favour
of opinion

B.O.

Mamadaswamy

For Chief Secy to Govt

22.4.20

U. In the British Indian act the
procedure prescribed for an extension of
Patent is for obvious reasons far
more important than the simple pro-
cedure prescribed for extension of Copy-
right. In the former case an
advertisement prior to the application
is necessary in the latter it is not.
The app. for renewal of patent has
to be made to the Govt. Genl. in Council
& it has to be disposed of either by him
or by the High Court but an app.
for Copyright may be disposed of by
the Controller himself to whom it
made. When the matter in the
former case is referred to the High
Court for decision a formal
Enquiry is made & a decision
given renewing the patent, if
necessary subject to such

Begs

File No.

106

of 1919

(11)

Serial
No.

restrictions & Conditions as may be imposed. In the latter case all this is not required.

(44) In a formal matter of the kind relating to Patents it may be that the Legislature thought it fit to fix the period within which the application for enlargement should be made in the act itself so that the period may not be varied in any ^{arbitrary} manner by the executive. But in the case of a Copyright the procedure being simple & the ~~Law~~ sanctioning authority on the Controller the matter involved & the result of non-renewal being very much less significant than in the case of Patents. Fixing the period by rule will not work any real hardship. This I think may be the object which the British Legislature may have had in view.

(45) In it is possible that the amendment of the ^{whole} Regulation on the lines of the British act II of 1911 may be taken up. If so, there is no particular hurry for the proposed amendment being taken up now. If however it is decided to work up the proposed

(5673)

(12)

Serial
No.

Amendment now. I would prefer it
being incorporated in the Regulation
itself, as I am not sure that we
have hitherto framed any rules
under the Regulation. At all events
I have not seen any. When we
think of amending the whole Regulation
we may also relegate to the rules
portion less important matters
such as those now under consideration.

C. S. Doraswamy Iyer.

SD

24.4.20

Encls.

58.

27/4 66/

27/4 ASR

Subd for orders with the
of the Govt. Advocate

P. Mahendraraj Iyer.

107.

III (Members)

(1) The Draft is approved.

Mr. H. V. R. Srinivasulu

(2) The Council matter may be
by circulation with the approval
of the Council - Mr. H. V. R. Srinivasulu

107.

18/5

DEWAN'S OFFICE.

Recd. 17 MAY 14 1920

Reg. No. 7680

NOTE—Contn. sheet.

circulation
49/3
76.20
P. 70

(For Disposal by Circulation:)

No. C. 740

.....19 ~ 20

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Draft Bill to amend the Mysore Inventions and Designs Regulations
1894.

CIRCULATED TO THE MEMBERS OF COUNCIL.

'By Order,

.....10th June.....19.20.

Chief Secretary to Government.

Extraordinary Member of Council.

First Member of Council.

Second Member of Council

Third Member of Council.

Are there no objections reported
amendment in accordance with
R: ref 479" 1 480

Opinion recorded

Reel
15-6-20

Opinion recorded.

48.6
A.R. Bangs

Am. History
1. 1876

(13)

G. R. S. III-2]

General and Revenue
Secretariat.

Lev File No. 18 of 191 a

Serial
No.

51) I agree to the amendment proposed

Recd

15.6.20

P. Raghavendra Rao

5673

14

Serial
No.

Ink

Sept 18/16

Masso Compare & note the
amendments required to bring our
law into line with B. Ind. Act

10/11/18/16

P. Mahadensaya.

Subd

Our Regulation closely follows
the British Indian Act of
1888. It has been subsequently
replaced by the Act of 1901
with the object of bringing it
into line of the with the
the prevailing law in the
United Kingdom in view
especially of the growing
patent work & vide para
3 of the statement of objects
and reasons printed at p. 92
Part II)

By Gazette of India B. 263-1901
The British Statute of 1907
is stated to have been
~~has been~~ followed retaining
only such provisions of the
Act of 1888 as are deemed
necessary to meet the special
conditions of India
A comparative table is
also attached to the ~~statute~~ ^{Bill}

H. H.

Serial
No.

at page 97 showing the extent
to which the provisions of
the Act of 1888 (which is
closely followed by our
Regulation) have been adopted
in the Act of 1911
Subd. for orders as to
(86/8) whether in view of the above, the
9/7 question of amending ^{the whole of} our Regulation
on the lines of the Indian Act of 1911 may
not be taken up. Reference is invited to the
opinion of the Govt Advocate in para 45 Supra
Ann. ASR
1072

Serial
No.

§) The Inventions & Designs Act, V of 1888, on which the Mysore Inventions & Designs Regulation (1894) is based, was defective in many respects; eg

- (1) The public had not ample opportunity of objecting to the grant of app^{ts}
- (2) The procedure was not simple & effective as regards the grant of patents & their subsequent existence & operation
- (3) Indian rights depended ^{the continuation of} on foreign patents.
- (4) Secrecy of the application was not always maintained until acceptance
- (5) The provisions ^{of the Act} generally required amendments to bring it into line with the English Statute of 1907 (7 Edw. 7, c. 29)
- (6) There was not sufficient encouragement to the inventor, and there was not effective protection both to him & to the public.

§) Hence, the Indian ~~Design~~ Patents & Designs Act, II of 1911, was passed and ref^o was moved to the Comparative Table printed at p. 97 of the Govt of India Gazette of 26th March 1910, put up herewith from which it will be

x 76. G

File No.

18 of 1919

Serial
No.

view that most of the provisions
of the Act of 1888 have been
omitted as being unnecessary.
It is therefore, seems desirable
to amend our Rego on the lines
of Act II of 1911. A bill will be prepared for
consideration.

5) Kindly refer to the opinion
of the Govt Advocate on 24.4.1920
of the amendments of the 1st Member on 18.6.20.

P. Mahalingam D. M.

III Member

60) No particular hurry about
the amendment. The whole bill
may be amended as the whole bill
the least part of India that
Draft bill may be prepared

Submitted Mr. Hanumanth Rao

21/7

61) Sub for personal
Early action will be taken as
ordered above. P. Mahalingam

I Member 69) Sec of A.R. Banerjee

Serial
No.

5672
18
(3) Memo put up w Draft Bill
P. Mahadevayya
12/17

(u) Send If approved 6 copies
of the British Indian Act will
be ordered for so that necessary
changes may be made therein
for our purposes
86/59 For orders

21/ASR
27/7

(5) yro

P. Mahadevayya
12/18

To the Library for having necessary action &
return of the file

An ASR.

(6) Motion Taken separately File returned

M. N. S.

6.8.20 (67)

Subd the receipt of copies of the Act will be aware

An ASR

6/8

68 yro Memo put up in the
25th week after enquiry in the lib

P. Mahadevayya
13/18

(9) The Indian Patents & Designs Act, has been
suitably altered & added as Draft Bill
It is perhaps unnecessary to retain sections
42 & 52 for our purposes. Subd

PM B m
4/10

L. S. File No. 14 of 1919.

17

Serial
No.

70) This file shd have been put up
on 25/8/1920. There is
nothing to show whether copies
have or have not been recd.
If not recd yet, a wire may
be sent to copies obtained
at once

70) Subd.
Copies have been received. (vide

material not in the previous
page. The Draft Bill
was prepared by making
the necessary changes in
one of the copies received.
§ 78 A has been added
as directed in the linked
file

71) Subd. for orders.
S. S. S.

17/2

72) The draft Bill has been
revised.

73) The proposed British Indian
Act contemplates the establish-
ment of a patent office under
the charge of a Controller of

Serial
No.

Patents (under Sections 55-85B)

Those provisions are the
retained in the draft BillIn fact provision is
made for appeal to Court
against the decisionof the Controller in
sections 5(2), 9(3), 12(6)
43(4) & 7574) At present applications
are made to the Chief
Secy & the Register
of Inventions is maintained
in our office75) The following alterations
are made in the Bill
Subject to approval
Sub & Clause (1) of § 2
is omitted since the
provisions in European
British Subjects are
not contained in our
Ch D Code76) §§ 34 & 35, 42, 64(5)
77) are obviously unnecessary
for my use

Serial
No.

77) S. 41 has been omitted. But it is for orders in provision has to be made for getting models or samples for any industrial museum in the State.

78/S. 21 has been retained. Subject to approval.

The other alterations in the Bill are only verbal. Subd.

80) Maso put up a typed copy of S. 78A & also the Sh. & Q. Re. of the B. & S. Bill & the discussions relating thereto.

81) Maso put up a typed copy of the Section 10 of the Bill of British India Bill & the discussions relating thereto.

82) Maso will kindly revise the draft Bill. Maso put up a

Standard Commentary on the Bill. Subd. H. C.

10/8

7C-1

6.15.1917

Maso put up in person in

NOTE - Contn. sheet. 10/8/17

11/8

Legs File No.

18 of 19 / 9

Serial
No.

27

No commentary on the Br. Indian
Act is available. A standard
book on the English law of patents
is put up
by S. G.
20/4/21

Q. B. The Br. patent may be
considered
as J. K. S.
m/p/m

From the Secy to Resident
D. O. No 520 of 19-1-23
Forwards ^{copy of} correspondence
between Messrs. Meeker & Pollock
& the Indian office in the
matter of protection of their
inventions in Mysore and
suggests that provision may
be included in the proposed
amendment of the Inventions
and Designs Regulation to
cover cases of the kind referred
in the correspondence

84) Sub The drafts sent about
put up does away with
the need to enclose the

General and Revenue
Secretariat.

Legs file No.

18 of 1919

Serial
No.

72 H.

privilege as contemplated in Section 20(f) of the Regn of 1894 so specifications may be filed in Mysore even though it is done more than one year after the date of acquisition of the privilege in a foreign territory. But this will not give priority to the privilege. S 78A as proposed to be inserted in the new bill provides for priority in cases where mutual protection has been agreed to with a foreign State. In such cases the time allowed is only 1 year in ~~case~~ case of patents from the date of application in the foreign State. That provision will not ~~cover~~ therefore cover the cases now pending with the Govt as the patents

Serial
No.

C. (L. 1111)

2
3

in the unitary form
 Date from Dec 1913
 If it is proposed to save
 persons in respect of
 all these applications
 special provision will
 have to be made so
 that the usual time
 may be under S 78 &
 provisions may be extended
 to some months from
 the date of personnel
 of the amending Reg-
 tion. Probably six
 months time would
 might suffice to
 move the Govt. & India
 to obtain mutual
 protection of interests
 in British India & the
 N. X

Subj. for orders
 86 S. 85 Reference is invited
 23/1/73. Drawn out on the copy of
 Residency letter subd. when (Flag S)
 86) The consideration of
 Draft 111 already in the pre has now

Serial
No.

be pursued, including the question now
raised in the enclosure to the Res^y letter
with reference to clause 78 A of the draft
Bill

Am A.B.F.

23/11

87) Resubmit the draft - Bill is
for consideration

88) S.B.

22/11/19

W. M. R.

88) See 78 A, ...

proposed in the draft does not
cover the case, referred to by the
Resolving and such similar cases
even if we excuse, as was done in
England, the period of War To
cover such cases, and also to
recognise patents &c obtained else
within a year of the application
here it will be necessary to reha
the Section, so that it may pro
for recognition of patents &c,
already obtained elsewhere, within
a certain period after receipt
is agreed to This will cover
cases of patents whenever obtained

Serial
No.

any necessity for a Section like 18A,
which will mean asking for reciprocity
and give a retrospective effect to
patents obtained elsewhere

91) The proposal is...

to omit Sec 78A till reciprocity
is first obtained — will mean
sanction. After that a fresh
amendment may be brought in on
the lines of 78A so that patents
obtained elsewhere, may be given
effect to here also from the date
the patents were obtained elsewhere

92) There is no harm however
in having a section like 78A, just
now, though it will be operative
only after reciprocity is obtained

93) A statement may
however, be prepared for placing before
the Rep Assembly.

C. Abdul Ghani.
CAG
19.5.17

95) Please type as revised

C. Abdul Ghani CAG

96) 2 typewritten statements to be put up.

2/1

NOTE - Contn. sheet.

Copies may be sent
provisionally to the Secy RA
to get type. Any alterations
or changes ordered later may be
communicated later.

CAG
22/5/17

94) In the union or draft

Statement

S. by
22/5/17

STATEMENT TO BE PLACED BEFORE THE REPRESENTATIVE ASSEMBLY RE: THE BILL TO AMEND THE MYSORE INVENTIONS AND DESIGNS REGULATION, 1894.

=====

The British Indian Act of 1888 on which the Mysore Inventions and Designs Regulation, 1894 was based, has been -- amended by Act II of 1911 and the question of amending the Mysore Regulation on similar lines has been under consideration for some time past.

The present Bill aims at a better encouragement of the inventor and the protection of the public than is afforded by the existing Regulation. It is important that the method of obtaining patent rights should be as simple as possible and the protection granted adequate. It is also necessary that protection is not given where it is not due and that the rights ~~and the privileges~~ of other inventors and of the public are not infringed.

The existing regulation is defective in these respects. A person seeking to take out a patent under the existing Regulation has first to apply to Government for leave to file a specification of his invention. The application must contain a description of the invention. On receipt of the application the Government may after such enquiry as it think fit, authorise the filing of a specification.

It has been the practice to consult experts before such authorisation is ordered. No objection can be taken by any member of the public to the acquirement of an exclusive privilege once such leave has been given. But the exclusive privilege does not accrue until the date the specification has been filed.

In this procedure there is considerable disadvantage in having to file two documents, the application and the specification. There is further no provisional protection between the date of the first application and of filing the final specification. From the point of view of the public sufficient opportunity is not given for objecting to the grant of an exclusive privilege. Leave may be granted at any time after receipt of the application and no member of the public can then bring forward any objection.

These defects are proposed to be remedied in the amending Bill. The method of obtaining a patent for an invention will under the Bill, consist of the following stages:-

(a) submission of the application and specification at the same time.

(b) Acceptance of the application within 12 to 15 months after complete examination.

(c) Publication of documents after such acceptance.

(d) Interval of three months for submission of objections to the grant.

(e) Grant of patent after objections, if any, have been disposed of.

The altered procedure will not only afford the inventor better protection than he at present enjoys but secures to the public adequate opportunities for examining and objecting to the application.

The following further improvements proposed in the Bill may be mentioned.

(a) Patents will not lapse on cessation of foreign patents and the bar existing at present for recognising only those applications that are made within one year after obtaining exclusive privilege outside Mysore, has been removed.

(b) Patents will be granted in a form more suitable for commercial purposes than the present certificates.

(c) Proprietorship of patents and designs will be more fully recorded.

(d) Amendment of application and specification will be facilitated and opposition thereto by the public will be permissible as in the case of original applications.

(e) Defendants in infringement suits will be allowed in all cases to use the natural ground of defence by pleading non-validity and non-novelty of the patent. Every ground available for revocation of a patent may be pleaded in a suit for infringement.

(f) Validity of patents will be certified in

certified in certain cases for purposes of costs in subsequent suits so that a patentee will be protected against wilful infringers.

(g) Threats of legal proceedings for an alleged infringement will be actionable unless the patentee proceeds with due despatch to commence action in a court.

(h) Copy-right in registered designs may be extended from 5 to 10 or 15 years.

(i) Finally a Controller of Patents and Designs will be appointed with power to dispose of many matters which are at present referred to Government. The ultimate authority of Government and of the Court is at the same time provided for.

Provision has also been made for entering into reciprocal arrangement with other countries ~~xxxxxxx~~ for the mutual protection of patents.

my
2/5

Serial
No.

97) Draft Bill to amend the
myone/Patents and Designs Regulation
is herewith submitted along with
a statement proposed to be placed before
the Representative Assembly. The
Bill is an adaptation of the Act
in force in British India. There
is only one point to be considered in
this connection. Reference is
otherwise to Sec 78A - new
Section based on a recent amendment
(1920) in British India. The
wording of the Statute in the United
Kingdom has been adopted in 78A,
in preference to that in British India
for obvious reasons.

98) The point has been
dismissed in the note above.
The Section may perhaps remain
reciprocally obtained.

99) The Statement to be
placed before the R.A. may also be
approved. Copies of the same have
been already sent provisionally to the
Secy R.A., as desired by him.

100) The Bill has to meet

(1919)

Previous References.

File No 18 of 1919.

G.M. 24 of 1919

G.M. 80 of 20

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.
PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

July 1925

Judicial and Legislative
Legislation

5924

"A" Collection.

Serial No. 1-2

Bill to amend the Patents and Designs Regulation 1894.

Table of contents.

Sl No.	Number and date of letter and contents	Page in A Proceedings
--------	--	--------------------------

Letter dated 17-7-19 from ~~the~~ Mr. D. B. Ramachandra
Mudalia:

With reference to his design of 'Vishnu on his
vehicle Garuda accompanied with his consorts Lakshmi
and Rukmani states that it can be used only for 5
years and requests that the term may be extended to
14 years and 2 special additional years as in the
case of inventions.

Letter No. G 7027 dated 18-9-1919 to Mr. D. B.
Ramachandra Mudaliar.

INforms him that under Section 52 of the
Inventions and Designs Regulation his request can not
be granted.

D.O. No. 540 dated 19-1-1925 from the Hon'ble the
Resident in Mysore.

Forwards copy of correspondence between Messrs.
Dicker and Pollock and the India Office in the matter
of protection of their inventions in Mysore and
suggests that provision may be included in the pro-
posed amendment of the Inventions and Designs Regu-
lation to cover cases of the kind referred in the
correspondence.

3677

G. R. S. III-2]

General and Revenue
Secretariat.

Legal File No. 16 of 1919

Serial
No.

OFFICE
23 MAY 1924
8482

with the assent of His Highness.

(Council matter) Subd

18th member

C. Abdul Qader
- 27/5

7050
26/5

101) Apperance - Please

Subd. Secy & Secy

Mr. Hephzibah Hussain
28/5

102) agree

28/5

103) The Bill has to be submitted
for the approval of His Highness
A further note may be put on
after approval of the Dewan

R. Sanyal
26/5/24

(Dewan)

104) Enqhe taluk

1/11/19 A.R. Saw

Reservist
(empt)

105) Enqhe with a D.F.M. -
S. G. M. R.

20/5/24

106) Penetrate Hephz
C. Abdul Qader

107) Typed copy subd - for consideration.

See S.S.
20/5/24
Jul M.R.

C. Abdul Qader
- 30/5

NOTE--Contn. sheet.

747
31/5

2nd member

108) From the last time
for the Dewan
20/5

G. R. S. III-2]

General and Revenue
Secretariat.

5133
p 3697

34

Legis File No. 18 of 19 19

Serial
No.

DL. 301 22,
130, ON 2 - JUN 1924
Reg. No. 517

Dewan

A) 18

cu Ag Banerjee 31/57 24

Subject:—

Amendment of the Invention and Designs Regulation 1894.

110) The British Indian Act of 1888 on which the Mysore Invention and Designs Regulation of 1894 is based, has been since amended by Act II of 1911. The question of amending the Mysore Regulation so as to bring it into line with the British Indian enactment having been urged for the attention of Government, an amending Bill has been prepared under the direction of the First Member of Council and approved by the Dewan and myself.

111) The main provisions of the amending Bill, as explained in detail in the annexed statement of its principles, are as follows:—

(1) Under the existing Regulation, the public have not sufficient opportunity for objecting to applications for patents. This defect will be remedied by the present Bill.

(2) Patents will not lapse on cessation of foreign patents; and the bar existing at present for recognising only those applications that are made within one year after obtaining exclusive privilege outside Mysore will be removed.

(3) Patents will be granted in a form more suitable for commercial purposes than the present certificates.

(4) Proprietorship of patents and designs will be more fully recorded.

(5) Amendment of applications and specifications will be facilitated and opposition thereto by the public will be permissible as in the case of original applications.

(6) Defendants in infringement suits will be allowed in all cases to use the natural ground of defence by pleading non-validity of the patent. Every ground available for revocation of a patent may be pleaded in a suit for infringement.

(7) Validity of patents will be certified in certain cases for purposes of costs in subsequent suits so that a patentee will be protected against wilful infringers.

(8) Threats of legal proceedings for an alleged infringement will be actionable unless the patentee proceeds with due despatch to commence action in a court.

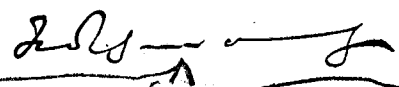
(9) Copy right in registered designs may be extended from 5 to 10 or 15 years

(10) Provision will be made for the appointment of a Controller of

Page 29 of office
Notes

of Patents and Designs with power to dispose of many matters which are at present referred to Government.

112) The gracious sanction of His Highness is solicited to place the principles of the Bill before the Representative Assembly and also to introduce the Bill in the Legislative Council.


SECOND MEMBER OF COUNCIL.

31-5-24.

Submitted to His Highness

113) I submit herewith a Final Note by the SECOND
Member of Council on the subject of the amendment
of the Invention and Designs Regulation, 1894

for His Highness' gracious approval.

Bangalore,
4th June 1924. }

(R)

W. H. M. S.
Dewan.
4 JUN 1924

Record of Cases submitted for the Orders
of His Highness the Maharaja

Subject

Amendment of the Invention
and Designs Regulation, 1894.



921

114) Order.

KRUP

5/6/24

Recey & Co

40

6 JUN 1924

6/6/24

8-11

amendment of the
Invention and Designs Regulation
1894.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of

*

His Highness' orders ^{before} _{after} issue of orders. (Vide Rules 31, 33 and

34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure)

Enacted

Chief Secretary to Govt.

Through the Secretary to Government.

.....*L. and R.*.....Departments.

Journal files may be put up ..

Aug 1946

sent with the usual forms

JD 1946

FIRST MEMBER OF COUNCIL.

128
6.6 SECOND MEMBER OF COUNCIL. *JD*

7 6

THIRD MEMBER OF COUNCIL.

General and Revenue
Secretariat

Dep. File No.

18 of 19/19.

Serial
No.

116) The usual forms for obtaining the permission of the Dewan, to introduce the Bill in the Legislative Council, are subd.

C. Abdul Ghanim
Cag
12/6

(2nd member)

117)

to the Dewan, with the

12/6

118)

Dewan

A. R. Bannin

11/6

(80
12/6
13/6)

119)

Submit with draft of a statement of objects & reasons. After approval of the same the Dewan must certify of the same and send it to the Secy. Secy.

Secy S 8

2/7/24
W. M. R.

120) For approval of the

which the bill together with the

Statement of objects and reasons will be sent to the Leg. Legislative Council for publication.

C. Abdul Ghanim
Cag
28/7

B. Nayappa..

L. K. R. Vinniasa

20/7

28/7
28/7

122)
The Bill has been published
and to be read & referred to
a Select Committee at the
next Regs of meeting
Subs & orders as to the
selection of the members
of the Commission

20 S.G. ins / Submitted for Co. books
71/11/64
An ASK i. See documents
2 Dr C. E. M. A. P.
~~2.1 Thev N. H. J. G. A. L. I. R. A. M. A. N.~~

3. Mr R. G. De Cough

4. Mr. J. Bone

5. Mr. Ramachandra Rao

0. и. В. Нагаппа

- ~~2. lux fundacion~~

- [illegible]

dhce
rdmmb

323
13.1

(note) The Committee may be
found as suggested from
above

L. K. R. Grammae & Co.

13/11

78.9
14.11
8
15.19

125.) May be sent to the
 Every day all for note in return
 T. Singaporean?

CC S.G.
LST u/v m ABR.

~~R.R. Ramey~~ Rac

OFFICE OF THE SECRETARY
17. NOV 1924
REPRESENTATIVE ASSEMBLY,
LEGISLATIVE COUNCIL &
NOTES OF THE SECRETARY

Ans. Br. 1

5133333

43

G. R. S. III-2]

General and Revenue
Secretariat.

Legs File No.

18 of 19

Serial
No.

126) The Bill was passed on
12-6-25. Subsequently the
a D 7 R for sanction
to promulgate the Bill
into law.

Secy S. G.
26/6/25
Amr 26/6
ASR

127) In reply

C Abdul Ghani.
Cay
27/6

B Narayana

30-6

27/6

DEWAN'S OFFICE,
REC'D. ON 3 JUL 1925
Reg. No. 43

Final note by the Secy is placed
below

Q

3/7

Swamy

8/7
3.7
Cay
3.7

Final Note by the First Member of Council.

Subject:—

Promulgation into law of the Mysore Patents and Designs Bill.

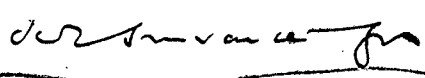
Q

Aug J.

128) In June 1924 His Highness was graciously pleased to accord sanction to place the Mysore Patents and Designs Bill before the Representative Assembly and to introduce it into the Legislative Council. After obtaining the approval of the Representative Assembly to the general principles of the measure, the Bill was introduced into the Legislative Council. The report of the Select Committee to which the Bill was referred was adopted by the Legislative Council and the Bill as amended by them was finally passed at the meeting of the Legislative Council held on the 17th June 1925

K 129) A copy of the Bill as finally passed is placed in the file.

130) The gracious sanction of His Highness is now solicited to promulgate the Bill into law.


OFFG. FIRST MEMBER OF COUNCIL.

3-7-1925.

63

Submitted to His Highness.

131) *I submit herewith a Final Note by the...First Member of Council
Member of Council on the subject of...promulgation into law of the
Mysore Patents and Designs Bill*

for His Highness' gracious approval.

B a n g a l o r e, }
6th July 1925. }

Chandrasekharendra Prasad
Dewan.
6 JUL 1925

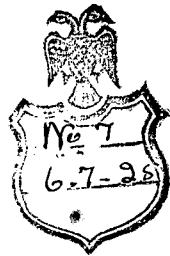
S.N

5133723

4.6

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.



Promulgation into law of the Mysore
Patents and Designs Bill.

132) Order.

~~KRU~~

7/7/25

Recd. L.L.

6/7

8 JUL 1925

8/7

8.7.

133) Draft please
as C Abdul Qader
8.7

Lup 8/7

5133922

Serial
No

134/82120 with a draft
for promulgating the Bill into Law
3.8
9/7/25 S.R.
Am
9/7

135) Issue
capital ghai
9.7

To the Compiler Mysore Gazette

Order no P. 160 of 13.7 25

Published for general information the Mysore
Patents and Designs Regulation 1925 which
received
the assent of H. H. the Maharaja to be
promulgated into Law on 7.7.25, a Regulation
no III of 1925.

Statement of Objects and Reasons.

The Mysore Inventions and Designs Regulation, 1894, was based on the British Indian Act of 1888. Since the passing of that Regulation conditions have greatly changed and the industrial development of the country has brought about a marked increase in the work connected with applications for patents. Attention has, from time to time, been drawn to a number of points in which the procedure under the existing Regulation is considered as antiquated and cumbrous. Applications for an extension of the term during which protection is afforded to a registered design had to be rejected for want of necessary provisions in the Regulation. Companies in the United Kingdom who have obtained patents there have a grievance that the law, as it prevails now in Mysore, prevents altogether the obtaining of a patent in Mysore unless the application is made within a year after the grant of a patent elsewhere. During the war it was not possible for such companies to apply in Mysore within the stipulated time and the law prevents the grant of patents now in those cases as more than a year has elapsed since the date of obtaining patent in the United Kingdom.

The British Indian Act of 1888 has ~~also~~ been amended by Act II of 1911 and it is ~~time~~ *desirable* that the law in Mysore ^{*should also be*} is suitably amended and brought into conformity with that prevailing in British India. ^{*The present bill is*} ~~With this object the accompanying Bill has been drafted.~~ ^{*intended to achieve this object*}

8 According

According to the existing practice a person seeking to take out a patent has first to apply for leave to file a specification of his invention. In his application he must describe with reasonable precision and detail the nature of the invention and the particular novelty he claims for it. The application is examined to see if it is in order and it is then exposed to public inspection for a few days. It is then more closely examined and experts consulted, if necessary. If the application is in order, and the invention is really novel, leave is granted to file a specification, after which no objection can be taken by any member of the public to the acquirement of an exclusive privilege. ^{the existing} ~~It will be observed that Under this procedure~~ ~~in the first place~~ there is considerable disadvantage in having to file two documents, the application and the specification which have got to be more or less identical, and in the second ~~place~~ ~~the~~ ^{Exclusive} privilege does not accrue until the final specification is filed, so that between the dates of the application and of filing the final specification, the invention is filed without provisional protection being given. Further ^{sufficient} ~~no proper~~ opportunity is ^{now} afforded to the public to object to the grant. ^{as the period is confined to a few days} ~~For the sake~~

This now proposed to simplify the procedure, give better protection to the inventor and ^{provide facilities for the public to} ~~the following stages in the obtaining of a patent~~

~~of both the inventor and the public it is desirable that the procedure should be simplified and made more direct and effective, not only with regard to the grant of patents but also in respect of their subsequent existence and operation.~~

By the Bill as proposed the method of obtaining

obtaining a patent for an invention will consist of the following stages:-

(a) Submission of application and specification at the same time, together with the prescribed fee;

(b) acceptance of the application after complete examination within nine or twelve months;

(c) publication of documents after such acceptance;

(d) interval of three months for submission of objections to grant;

(e) grant of patent, after objections, if any, have been disposed of. Payment of the prescribed fee;

The public will thus be protected by increasing the facilities for opposition at an effective period and the applicant will also be protected as his application will be kept a secret until acceptance.

The following further improvements in the law, ^{as also in} proposed by the Bill, ~~are enumerated~~:-

(a) Patents will not lapse on cessation of foreign patents;

b) Patents will be granted in a form more suitable for commercial purposes than the present certificates;

(c) Proprietorship of patents ~~will be~~ and designs will be more fully recorded;

(d) Validity of patents will be certified in certain cases for purposes of costs in subsequent suits so that a patentee will be protected against wilful infringers.

(e) Every ground available for revocation

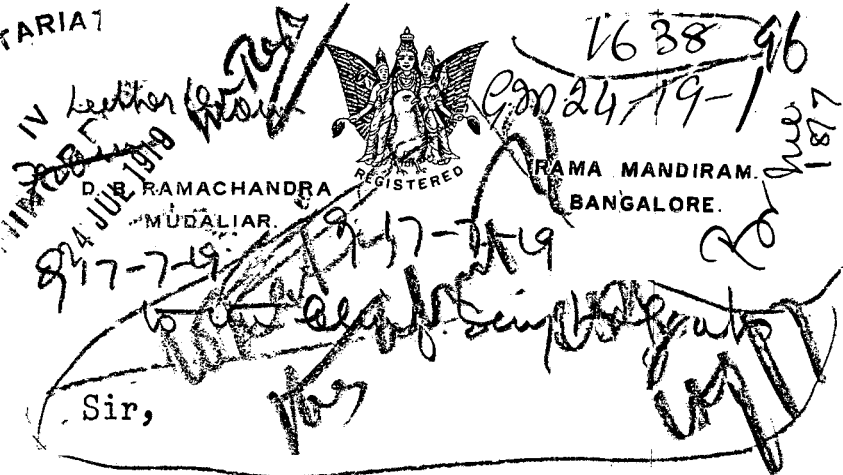
of a patent may be pleaded in a suit for infringement.

(f) Threats of legal proceedings for an alleged infringement will be actionable unless the patentee proceeds with due diligence and despatch to commence action in a Court.

(g) Copyright in registered designs may be extended from 5 to 10 or 15 years.

Finally a Controller of Patents and Designs will be appointed with power to dispose of many matters which are at present referred to the Government.

TARIA 1



Sir,

In the matter of Government
 sanctioning a design of Vishnu on his
 vehicle Garuda accompanied with his
 Concerts Lakshmi and Rukmani for use on
 my letter heads and covers etc., I beg
 to point out that the term granted for
 the use of this viz. 5 years is too
 short. I beg therefore that the Govern-
 ment will be pleased to extend the time
 to 14 years and 2 special additional

96-97
52-53

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

years as in the case of Inventions, as
provided for in the first part of
"Design and Inventions Regulation XI
of 1894

For which I shall feel highly
obliged.

Yours sincerely,

Ramanathan

17th July 1919.

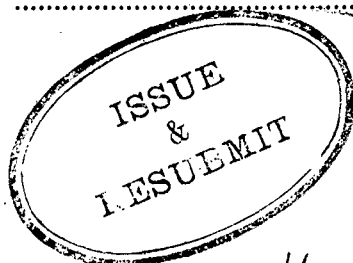
To

The Chief Secretary to the Govern-
ment of Mysore, Bangalore.

V.B.- Should routine notes be written on small slips.
the notes must be copied, or slips pasted on
this form.

DRAFT.

SUBJECT.....



Diary No. of letter replied to.....

6638

GENERAL AND REVENUE SECRETARIAT

()
 , the.....191

Date of issue.....

18/9

Signed by.....

Mr. L. J. [Signature]

ENDORSEMENT:

Granted to.....D. B. Ramachandra Mudaliar

Rama Mandirum, Bangalore

In reply to his ^{application} petition dated...17th July 1917

Re extension of time to his design of

Viskum on his vehicle Ganda accompanied
 with his concert Lakshmi and Rukman
 he is informed that under section 5 of the

and Designs Regulation his request

Cannot be granted.....

Recd
 13.9.19

By Order,

M. S. [Signature]
 M. S.

For Chief Secretary to Government.

10/9/19

2. No. 540 Enc 6



THE RESIDENCY, 55
BANGALORE.

Dated 19th January 1923.

Residence, to the

PROTECTION OF PATENTS IN THE MYSORE STATE.

20 JAN 1923

JUDICIAL SECRETARY.

I am desired to enclose a copy of the correspondence

Letter from Messrs. Dicker & Pollak,
London, to the India Office, dated the
21st October 1922.

cited in the

x

margin and to

Letter from the India Office to
Messrs. Dicker & Pollak, No.P.4329, dated
the 30th November 1922.

suggest that,

Letter from Messrs. Dicker & Pollak to
the India Office, dated the 29th November
1922 (with enclosure).

as the Mysore

Government are

considering the question of amending their Inventions
and Designs Regulation, they might include provision
to cover cases such as that referred to by Messrs. Dicker
and Pollak, should it appear to them unobjectionable to
do so.

Yours sincerely,
Williamson

K. Matthan, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

BJ
JVR

5780

Letter dated the 21st October 1922, from Messrs. Dickson & Co.,
Chartered Patent Agents, 20-22 Holborn, London, E.C.1, to the Hon'ble
Secretary of State for India, Whitehall, S.W.

---:0:---

We take the liberty of addressing you on behalf of our clients,
Reodrills Limited, an important Company, for whom we are acting pro-
fessionally in connection with an application for an Exclusive Privilege
(or Patent) from the Government of Indian State of Mysore.

This Application for Exclusive Privilege was deposited in 1900,
claiming the priority of British Letters Patent No.114880 dated 13th
April under the Treaty of Peace with Germany, and we have just received
through our representatives in Calcutta, a communication from the
Secretary to the Government, General Department, at Bangalore, in which
it is stated that it will not be possible to accede to the said applica-
tion unless the Regulation now in force is amended so as to facilitate
reciprocal arrangements with the United Kingdom and other parts of
His Majesty's Dominions in regard to the grant of Patents and Designs
in Mysore in cases where Patents and Designs have been obtained else-
where, and that the question of amending the Mysore Inventions and
Designs Regulation is under the consideration of the Mysore Government.

In view of the communication above referred to, we should esteem
it a favour if we could be informed whether there is under considera-
tion the question of applying Section 91 of the Patents and Designs
Act 1907 to the State of Mysore in substantially similar manner as this
Section has been applied to British India by the Order in Council of
which we attach a copy.

We should be glad to know whether there is any correspondence or
other papers, accessible to the public, which would assist us in advising
our clients as to whether such application of Section 91 to Mysore is
being considered in conjunction with the proposals of the Mysore Govern-
ment.

Our clients attach great importance to obtaining early protection
in Mysore for their invention, but the matter cannot be proceeded with
until the necessary reciprocal arrangements between the United Kingdom
and Mysore have been made, and it is for this reason that we are
endeavouring to obtain all possible information as to any action which
is being taken in the United Kingdom.

101
57

We beg to urge that since any protection in Mysore that may be ultimately secured based on the prior British Patent above referred to would necessarily expire with the expiry of the British Patent, any delay with which the amendment apparently contemplated by the Mysore Government in the Mysore Inventions and Designs Regulation and the corresponding Order in Council in the United Kingdom is effected must obviously curtail the period of protection which our clients are seeking to obtain.

---:O:---

Letter No.P.4329, dated the 30th November 1922, from the Under Secretary of State for India, Political Department, India Office, London, S.W.1, to Messrs. Dicker & Pollak, 20-23 Holborn, London, E.C.1.

---:O:---

In reply to your letter of the 21st October, I am directed by the Secretary of State for India to say that no proposals for any new arrangements for securing protection in Mysore for patents granted in the United Kingdom, or for the application to the case of Mysore of the provisions of Section 91 of the Patents and Designs Act, 1907, have up to the present been brought to his notice.

If you wish to pursue your enquiry further, it is suggested that you should address the Political Secretary to the Government of India, Foreign and Political Department, Delhi.

---:O:---

Letter No. P.4762, dated the 29th November 1922, from Messrs. Dicker & Pollak, 20-23 Holborn, London, E.C.1., to the Right Hon'ble the Secretary of State for India, Whitehall, S.W.

---:O:---

Re. Patent Legislation in Mysore.

With reference to our representative's interview of yesterday with Mr. Garrett (In Room 150) when the subject of our communication of the 21st ultimo was discussed at some length, we respectfully beg to request that the following information may be considered in issuing a reply.

Our Client's invention relates to a light railway system of

exceptional

exceptional importance which was first protected by a Patent in the Union of South Africa and subsequently in the United Kingdom. In nearly the whole of the countries of the world where there are Patent Laws, Patents have been obtained or have been applied for excepting of course the Indian State of Mysore where the application has been refused pending a suitable amendment of the Mysore Inventions and Designs Regulation No. XI of 1894.

The Section of the Mysore Regulations which, until it is suitably amended, prevents the grant of a Patent in that State reads as follows:

"20. A person shall not be entitled to an exclusive privilege under this Part:-

- "(a) If the invention is of no utility, or
- "(b) If the invention, at the date of the delivery or receipt of the application for leave to file the specification thereof, was not a new invention within the meaning of this part, or
- "(c) If the applicant is not the inventor thereof, or
- "(d) If the original or any amended specification does not fulfil the requirements of this Part, or
- "(e) If the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or
- "(f) If the application for leave to file the specification of the invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of the Territories of Mysore."

It will be noticed that clause (f) of that section prevents the grant of a Patent to any person who has not made his application within one year from the acquisition of a corresponding Patent in any other country.

As explained to Mr. Garrett, successful applications in a large number of other countries have been made for the invention long after the expiration of the period of one year above referred to, but this has only been possible by reason either of legislation where required to give effect to Article 308 of the Treaty of Peace with Germany, or of domestic legislation, in Neutral countries for example by virtue of which the rights of priority which had lapsed were re-established in a substantially similar manner as was provided for in the Treaty of Peace with Germany.

The priority date of our clients' United Kingdom Patent is 13th April 1917. The South African Patent date is a little earlier, but the difference between the two dates is immaterial to the present

103
59

question in view of the time that has now elapsed.

We would like to draw your attention to the situation as it existed in British India at the end of the war. In British India, any person who had allowed his rights during the war to lapse, or whose rights had lapsed by reason of unavoidable official publication emanating from another country, was prevented from obtaining an Indian Patent until the Government of India inserted section 78 (4) in the Patents and Designs Act 11 of 1911 which reads as follows:-

"78 A. (1) If His Majesty is pleased by Order in Council to apply such of the provisions of section 91 of the Patents and Designs Act, 1907, as related to inventions or designs to British India, then any persons who has applied for protection for any invention or design in the United Kingdom, shall be entitled to a patent for his invention or to registration of his design under this Act, in priority to other applicants; and the patent or registration shall have the same date as the date of the application in the United Kingdom:

"Provided that -

"(a) the application is made in the case of a patent within twelve months, and, in the case of a design, within four months from the application for protection in the United Kingdom; and

"(b) nothing in this section shall entitle the patentee or the proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent, his application is accepted, or, in the case of a design, the design is registered, in British India."

(2) The patent granted for an invention or the registration of a design shall not be invalidated -

"(a) in the case of a patent, by reason only of the publication of a description of, or use of, the invention, or

"(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design,

"in British India during the period specified in this section as that within which the application may be made."

"(3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Act.

"Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period."

104
60

"(4) Where it is made to appear to the Governor General in Council that the legislature of any other part of His Majesty's dominions has made satisfactory provision for the protection of inventions or designs, patented or registered in British India, the Governor General in Council may, by notification in the Gazette of India, direct that the provisions of this section, with such variations or additions, if any, as may be set out in such notification, shall apply for the protection of inventions or designs - patented or registered in that part of His Majesty's dominions."

This new section 78 (a) however, sufficed only as regards priority rights which were not more than twelve months old. - Obviously there were many other persons who, owing to the war, had not yet obtained their Indian Patents, and therefore in order that those persons might also be able to obtain Patents, an Act entitled "The Indian Patents and Designs (Temporary Rules) Act, 1915" which was still in force was extended to afford a grace period of six months for the revival of all rights dating back to the commencement of the war.

To assist in the better understanding of the present difficulty we are attaching a full copy of the communication dated 12th September 1922 received by our Calcutta representative from the Government of His Highness the Maharaja of Mysore, in which it will be noticed that the amendment foreshadowed in the Mysore Regulation is of a reciprocal character. The precise nature of the alteration is of course not stated but possibly it would follow the amendment of the Indian Act by adopting the mutual arrangements provided for in Section 91 of the United Kingdom Act. We would, however, like to particularly point out that such an amendment of itself would not meet our clients' case but it would be necessary to have a grace period for reviving rights of priority which are more than twelve months old, or some kind of amendment which would bring the Mysore Patent legislation into line with the rest of the world as regards the revival of rights which unavoidably lapsed during the war.

We have ventured to go into the matter in greater detail in case it may be of service later if not at the present juncture.

108/

Letter No. I.C.1607/Pat., dated the 12th September 1922, from the Secretary to the Government of His Highness the Maharaja of Mysore, General Department, to Messrs H. V. Williams & Co., Patent Agents and Engineers, 8 Esplanade Street, Calcutta.

---:O:---

With reference to your letter dated the 19th August 1922, regarding the priority of date of filling the specification of an invention as per Peace Treaty Order of July 1920 for "Improvements in connection with Light Railways" by Mr. Frank Henry Dutton, I am directed to state that Section 20, Clause (f) of the Mysore Inventions and Designs Regulation, 1894 lays down that a person shall not be entitled to an exclusive privilege if the application for the specification of the invention was made after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the same invention in any place beyond the limits of the Mysore State. It will not therefore be possible to accede to the application unless the Regulation is amended so as to facilitate reciprocal arrangements with the United Kingdom and other parts of His Majesty's Dominions in regard to the grant of patents and designs in Mysore in cases where patents and designs have been obtained elsewhere.

The question of amending the Mysore Inventions and Designs Regulation is under the consideration of Government. As soon as it is amended, orders on the application under reference will be passed.

---:O:---

"C O P Y"

C. A. Britkanta Dye

for REGISTRAR, RESIDENT'S OFFICE.

Letter No 4224 / C.D. ²⁷ from the Adm. Sec. 29th January
to the manager in Mysore.

Dear Mr. Williamson,

I am desired to acknowledge the receipt of your D.O. letter No.540 dated the 19th instant on the subject of protection of patents in Mysore, and to state that the matter will be considered in connection with the question of amending the Mysore Inventions and Designs Regulation now before His Highness' Government.

Yours sincerely,

Williamson, Esq., I.C.S.,
Secretary to the Resident in Mysore.

KM/CLG.

Office of the

Member of Council

Dated

June 1924.

TO

Rajamantra Dhurina

A. N. Banerji Esq., M.A., C.S.I., C.T.F.,

Dewan of Mysore.

Sir,

I beg to request your sanction in writing under
Section 9 of Regulation XIX of 1923 for introducing a bill
to amend the Luncations and, Designs Regulation
in Mysore

Mysore Legislative Council

I have the honor to be,

Sir,

Your most obedient servant,

[Signature]

M e m b e r .

Office of the Dewan of Mysore,

Dated June 1924.

Mr K R. Srinivasengar, Member of the

Mysore Legislative Council is hereby permitted to introduce
a bill to amend the Inventions and Designs Regulations
in Mysore,

at a meeting of the said Council, subject to the rules for the
time being in force under the Mysore Legislative Council --
Regulation, No.XIX of 1923.

G. Srinivas

Dewan of Mysore.

17 JUN 1924

NOTIFICATION.

No. 253, dated 11th August 1924.

Under Rule 7 of the rules for the conduct of business of the Mysore Legislative Council the accompanying Bill to amend the Inventions and Designs Regulation, is published for general information with the statement of objects and reasons.

THE MYSORE ^{Patents} INVENTIONS AND DESIGNS REGULATION, 192

CONTENTS.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

PART I.

PATENTS.

Application for and Grant of Patent.

3. Application.
4. Specification.
5. Proceedings upon application.
6. Advertisement on acceptance of application.
7. Use of invention on acceptance of application.
8. Inquiry before sealing patent.
9. Opposition to grant of patent.
10. Grant and sealing of patent.
11. Date of patent.
12. Effect, extent and form of patent.
13. Fraudulent applications for patents.

Term of Patent.

14. Term of patent.
15. Extension of term of patent.
16. Restoration of lapsed patent.

Amendment of Application or Specification.

17. Amendment of application or specification by Controller.
18. Amendment of specification by the Court.
19. Restriction on recovery of damages.

Register of Patents.

20. Register of Patents.

Crown.

21. Patent to bind Crown.

Compulsory Licenses and Revocation.

22. Compulsory licenses and revocation.
23. Revocation of patents worked outside British India.
24. Power of Controller to revoke surrendered patent.
25. Revocation of patent on public grounds.

Legal Proceedings.

26. Petition for revocation of patent.
27. Notice of proceedings to persons interested.
28. Framing issue for trial before other Courts.
29. Suits for infringement of patents.
30. Exemption of innocent infringer from liability for damages.
31. Order for inspection, etc., in suit.
32. Certificate of validity questioned and costs thereon.
33. Transmission of decrees and orders to the Controller.
34. Hearing with assessor.
35. Remedy in case of groundless threats of legal proceedings.

Miscellaneous.

36. Grant of patents to two or more persons.
37. Novelty of invention.
38. Loss or destruction of patent.
39. Provisions as to exhibitions.

PART II.

DESIGNS.

Registration of Designs.

SECTIONS.

- 40. Application for registration of designs.
- 41. Registration of designs in new classes.
- 42. Certificate of Registration.
- 43. Register of Designs.

Copyright in Registered Designs.

- 44. Copyright on registration.
 - 45. Requirements before delivery on sale.
 - 46. Effect of disclosure on copyright.
 - 47. Inspection of registered designs.
 - 48. Information as to existence of copyright
- Industrial and International Exhibitions*
- 49. Provisions as to exhibitions.

Legal Proceedings.

- 50. Piracy of registered design.
- 51. Application of certain provisions of the Regulation as to patents to designs.

PART III.

GENERAL.

Patent Office and Proceedings thereat.

- 52. Patent Office.
- 53. Officers and clerks.

Fees.

- 54. Fees.

Provisions as to Registers and other Documents in the Patent Office.

- 55. Notice of trust not to be entered in registers.
- 56. Inspection of and extracts from registers.
- 57. Privilege of reports of Controller.
- 58. Prohibition of publication of specification, drawings, etc., where application abandoned, etc.
- 59. Power for Controller to correct clerical errors.
- 60. Entry of assignments and transmissions in registers.
- 61. Rectification of register by Court.

Powers and Duties of Controller.

- 62. Powers of Controller in proceedings under Regulation.
- 63. Publication of patented inventions.
- 64. Exercise of discretionary power by Controller.
- 65. Power of Controller to take directions of Government.
- 66. Refusal to grant patent, etc., in certain cases.
- 67. Appeals to the Government.

Evidence, etc.

- 68. Certificate of Controller to be evidence.
- 69. Applications and notices by post.
- 70. Declaration by infant, lunatic, etc.

Agency.

- 71. Subscription and verification of certain documents.
- 72. Agency.

Powers, etc., of Government.

- 73. Power for Government to make rules.

Offences.

- 74. Wrongful use of words "Patent Office."

Reciprocity.

- 75. Reciprocal arrangements with British India and other foreign states.

Savings and Repeal.

- 76. Saving for prerogative.
- 77. Repeal.
- 78. Substitution of patents for rights under repealed Regulation.

THE SCHEDULE.—FEES.

BILL TO AMEND THE LAW RELATING TO THE
PROTECTION OF INVENTIONS AND DESIGNS.

Patents

WHEREAS it is expedient to amend the law relating to the protection of inventions and designs; His Highness the Maharaja is pleased to enact as follows:—

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Patents and Designs Regulation, 1922. Short title
extent and
commence
ment.

- (2) It extends to the whole of Mysore and
(3) It shall come into force on the first day of

2. In this Regulation unless there is anything repugnant in the subject or context,— Definitions

(1) "article" means (as respects designs) any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural:

(2) "Controller" means the Controller of Patents and Designs appointed under this Regulation:

(3) "copyright" means the exclusive right to apply a design to any article in any class in which the design is registered:

(4) "design" means any design applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined, but does not include any trade or property mark as defined in sections 478 and 479 of the Indian Penal Code:

(5) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure, 1911: III of 1911.

(6) "invention" means any manner of new manufacture and includes an improvement and an alleged invention:

(7) "legal representative" means a person who in law represents the estate of a deceased person:

(8) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture:

(9) "patent" means a patent granted under the provisions of this Regulation:

(10) "patentee" means the person for the time being entitled to the benefit of a patent:

(11) "prescribed" includes prescribed by rules under this Regulation and:

(12) "proprietor of a new and original design",—

(a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(b) where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(c) in any other case, means the author of the design; and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

PART I.

PATENTS.

Application for and Grant of Patent.

Application.

3. (1) An application for a patent may be made by any person whether he is a subject of His Highness the Maharaja of Mysore or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form, and must be left at the Patent Office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor or the legal representative or assign of such inventor and for which he desires to obtain a patent, and must be accompanied by a specification and by the prescribed fee.

(4) Where the true and first inventor is not a party to the application, the application must contain a statement of his name, and such particulars for his identification as may be prescribed, and the applicant must show that he is the legal representative or assign of such inventor.

Specification.

4. (1) The specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(2) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the application, and such drawings shall be deemed to form part of the specification.

(3) The specification must commence with the title, and must end with a distinct statement of the invention claimed.

(4) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

Proceed...
upon appli-
cation.

5. (1) The Controller shall examine every application, and if he considers that—

a) the nature of the invention is not fairly described; or
b) the application, specification and drawings have not been prepared in the prescribed manner or relate to more than one invention, or

c) the title does not sufficiently indicate the subject-matter of the invention, or

d) the statement of claim does not sufficiently define the invention, or

e) the invention as described and claimed is *prima facie* not a new manufacture or improvement,

he may refuse to accept the application, or require that the application, specification or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the Controller so directs, bear date as from the time when the requirement is complied with.

(2) Where the Controller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the Government.

(3) The investigations required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Government or any officer by reason of, or in connection with, any such investigation, or any proceeding consequent thereon.

(4) Unless an application is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void

Provided that where an application is made for an extension of time for the acceptance of an application, the Controller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months.

6. On the acceptance of an application the Controller shall give notice thereof to the applicant and shall advertise the acceptance, and the application and specification with the drawings (if any) shall be open to public inspection.

Advertise-
ment on
acceptance
application.

Where an application for a patent in respect of an invention has been accepted, any use or publication of the invention during the period between the date of application and the date of sealing such patent shall not prejudice the patent to be granted for the invention.

Use of
invention or
acceptance
of application.

Provided that an applicant shall not be entitled to institute any proceedings for infringement unless and until a patent for the invention has been granted to him.

8. After acceptance of an application and before sealing a patent the Controller shall, if he thinks it advisable or is directed by the Government so to do, refer the specification for inquiry and report to any person whom he thinks fit.

Inquiry
before sealing
patent.

9. (1) Any person may, on payment of the prescribed fee, at any time within three months from the date of the advertisement of the acceptance of an application, give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds, namely:—

Opposition
to grant of
patent.

(a) that the applicant obtained the invention from him, or from a person of whom he is the legal representative or assign; or

(b) that the invention has been claimed in any specification filed in Mysore which is or will be of prior date to the patent, the grant of which is opposed; or

(c) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the specification; or

(d) that the invention has been publicly used in any part of Mysore or has been made publicly known in any part of Mysore; but on no other ground.

(2) Where such notice is given, the Controller shall give notice of the opposition to the applicant, and shall, on the expiration of those three months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the Controller shall be subject to appeal to the Government.

10. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted, subject to such conditions (if any) as the Government thinks expedient, to the applicant, or in the case of a joint application to the applicants jointly, and the Controller shall cause the patent to be sealed with the seal of the Patent Office.

Grant and
sealing of
patent.

(2) A patent shall be sealed as soon as may be, and not after the expiration of eighteen months from the date of application.

Provided that,—

(a) where the Controller has allowed an extension of the time within which an application may be accepted, a further extension of four months after the said eighteen months shall be allowed for the sealing of the patent;

(b) where the sealing is delayed by an appeal to the Government or by a reference under section 8, or by opposition to the grant of the patent, the patent may be sealed at such time as the Controller may direct;

(c) where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death;

(d) where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

Date of
Patent.

11. Except as otherwise expressly provided by this Regulation, a patent shall be dated and sealed as of the date of the application:

Provided that no proceedings shall be taken in respect of an infringement committed before the publication of the specification.

Effect, extent
and form of
patent.

12. (1) A patent sealed with the seal of the Patent Office shall, subject to the other provisions of this regulation, confer on the patentee the exclusive privilege of making, selling and using the invention throughout Mysore and of authorizing others so to do.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim; and it shall not be competent for any person in a suit or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

Fraudulent
applications
for patents

13. (1) A patent granted to the true and first inventor or his legal representative or assign shall not be invalidated by an application in fraud of him, or by protection obtained thereon or by any use or publication of the invention subsequent to that fraudulent application during the period of protection.

(2) Where a patent has been revoked on the ground of fraud or on any other ground, the Controller may on the application of the true inventor or his legal representative or assign made in accordance with the provisions of this regulation, grant to him a patent in lieu of and bearing the same date as the patent so revoked for any invention comprised in the revoked patent to which he was entitled:

Patents and Designs.

(Part I.—Patents.)

Provided that no suit shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Term of Patent.

Term of
patent.

14. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Regulation, be fourteen years from its date.

(2) A patent shall, notwithstanding anything therein or in this Regulation, cease if the patentee fails to pay the prescribed fees within the prescribed times.

Provided that the Controller, upon the application of the patentee, shall, on receipt of such additional fee as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed time, and before any enlargement thereof, the Court before which the proceeding is taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

15. (1) A patentee may, after advertising in the prescribed manner his intention to do so, present a petition to the Government praying that his patent may be extended for a further term; but such petition must be left at the Patent Office at least six months before the time limited for the expiration of the patent and must be accompanied by the prescribed fee.

Extension of
term of
patent.

(2) Any person may give notice to the Controller of objection to the extension.

(3) Where a petition is presented under sub-section (1), the Government may, as it thinks fit, dispose of the petition or refer it to the Chief Court for decision.

(4) If the petition be referred to the Chief Court, then on the hearing of such petition under this section the patentee, and any person who has given notice under sub-section (2) of objection, shall be made parties to the proceeding, and the Controller shall be entitled to appear and be heard.

(5) The Court to which the petition is referred shall, in considering its decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(6) If it appears to the Government or to the Chief Court when the petition has been referred to it, that the patentee has been inadequately remunerated by his patent, the Government or the Chief Court, as the case may be, may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and subject to the payment of such fees as may be prescribed and containing any restriction, conditions and provisions which the Government or the Chief Court, as the case may be, may think fit:

Provided that any patent so extended or granted shall, notwithstanding anything therein, or in this Regulation, cease if the inventor fails to pay before the expiration of each year the prescribed fee.

16. (1) Where any patent has ceased owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the Controller in the prescribed manner for an order for the restoration of the patent.

Restoration
of lapsed
patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional or unavoidable and that no undue delay has occurred in the making of the application, the Controller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given the Controller shall notify the applicant thereof.

(5) After the expiration of the prescribed period the Controller shall hear the case and, subject to an appeal to the Government, issue an order either restoring the patent subject to any conditions deemed to be advisable or dismissing the application:

Provided that in every order under this section restoring a patent such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had ceased.

Amendment of Application or Specification.

17. (1) An applicant or a patentee may at any time, by request in writing left at the Patent Office and accompanied by the prescribed fee, seek leave to amend his application or specification, including drawings forming part thereof, by way of disclaimer, correction or explanation, stating the nature of, and the reasons for, the proposed amendment.

Amendment
of application
or specification
by
Controller

(2) If the application for a patent has not been accepted, the Controller shall determine whether and subject to what conditions (if any) the amendment shall be allowed.

(3) In any other case the request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within three months from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(4) Where such a notice is given the Controller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(5) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the Controller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) The decision of the Controller in either case shall be subject to an appeal to the Government.

(7) No amendment shall be allowed that would make the application or specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the application or specification as it stood before amendment.

(8) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all Courts and for all purposes be deemed to form part of the application or specification.

(9) This section shall not apply when and so long as any suit for infringement or proceeding before a Court for the revocation of the patent is pending.

Amendment
of speci-
fication by
the Court.

18. In any suit for infringement of a patent or proceeding before a Court for the revocation of a patent the Court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit:

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court notice of the application shall be given to the Controller, and the Controller shall have the right to appear and be heard.

Restriction
on recovery
of damages.

19. Where an amendment of a specification by way of disclaimer, correction or explanation has been allowed under this Regulation, no damages shall be given in any suit in respect of the use of the invention before the disclaimer, correction or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Register of Patents.

Register of
Patents.

20. (1) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, licenses under patents, and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of inventions and address book existing at the commencement of this Regulation shall be incorporated with, and form part of, the register of patents under this Regulation.

(3) The register of patents shall be *prime facie* evidence of any matters by this Regulation directed or authorised to be inserted therein.

(4) Copies of deeds, licenses and any other documents affecting the proprietorship in any patent or in any license thereunder, must be supplied to the Controller in the prescribed manner for filing in the Patent Office, and, unless such copies have been so supplied, such deeds, licenses or other documents shall not be received as evidence of any transaction affecting a patent.

His Highness the Maharaja.

21. Subject to any conditions which the Government may have imposed, a patent shall have to all intents the like effect as against His Highness the Maharaja as it has against a subject :

Patent to
bind Crown.

Provided that the officers or authorities administering any department of the service of His Highness the Maharaja may, by themselves, their agents, contractors or others, at any time after the application, use the invention for the services of the His Highness the Maharaja on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Government between those officers or authorities and the patentee, or, in default of agreement, as may be settled by the Government after hearing all parties interested.

Compulsory Licenses and Revocation

22. (1) Any person interested may present a petition to the Government which shall be left at the Patent Office, together with the prescribed fee, alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory license, or, in the alternative, for the revocation of the patent.

Compulsory
licenses and
revocation.

(2) The Government shall consider the petition, and if the parties do not come to an arrangement between themselves the Government, as it thinks fit, either dispose of the petition or refer it to the Chief Court for decision.

(3) The provisions of sub-section (4) of section 15, prescribing the procedure to be followed in the case of references to the Court under that section, shall apply in the case of references made to the Court under this section.

(4) If the Government is of opinion, or, where a reference has been made under sub-section (2) to the Chief Court, that Court finds, that the reasonable requirements of the public with reference to the patented invention have not been satisfied the patentee may be ordered to grant licenses on such terms as the Government or the Chief Court, as the case may be, may think just, or, if the Government or the Chief Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licenses, the patent may be revoked by order of the Government or the Chief Court :

Provided that an order of revocation shall not be made before the expiration of four years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

(a) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licenses on reasonable terms, any existing trade or industry or the establishment of any new trade or industry in Mysore is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

(b) if any trade or industry in Mysore is unfairly prejudiced by the conditions attached by the patentee before or after the commencement of this Regulation to the purchase, hire or use of the patented article or to the using or working of the patented process.

(6) An order of the Government or of the Chief Court directing the grant of any license under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the parties to the proceeding.

Revocation
of patents
worked out-
side Mysore.

23. (1) At any time not less than four years after the date of a patent granted under this Regulation, any person may apply to the Government for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the Territories of Mysore.

(2) The Government shall consider the application, and, if after inquiry, it is satisfied—

(a) that the allegations contained therein are correct; and

(b) that the applicant is prepared, and is in a position, to manufacture or carry on the patented article or process in Mysore and;

(c) that the patentee refuses to grant a license on reasonable terms,

then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in Mysore, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the Government may make an order revoking the patent either—

(i) forthwith; or

(ii) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to the satisfaction that the patented article or process is manufactured or carried on within Mysore to an adequate extent.

(3) No order revoking a patent shall be made under the last sub-section which is at variance with any treaty, convention, arrangement or engagement with any foreign country or British possession.

(4) The Government may, on the application of the patentee, extend the time limited in any order made under sub-section (2), clause (ii), for such period not exceeding two years as he may specify in a subsequent order, or revoke any order made under sub-section (2), clause (ii), or any subsequent order if sufficient cause is in his opinion shown by the patentee.

Power of
Controller to
revoke
surrendered
patent.

24. A patentee may at any time, by giving notice in the prescribed manner to the Controller, offer to surrender his patent, and the Controller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

Revocation
of patent
on public
grounds.

25. A patent shall be deemed to be revoked if the Government declares, by notification in the Official Gazette, the patent or the mode in which it is exercised to be mischievous to the State or generally prejudicial to the public.

Legal Proceedings.

Petition for
revocation
of patent.

26. (1) Revocation of a patent in whole or in part may be obtained on petition to the Chief Court on all or any of the following grounds, namely:—

(a) that any invention included in the statement of claim is of no utility;

(b) that any invention included in the statement of claim was not, at the date of the application for a patent, a new invention within the meaning of this Regulation;

(c) that the applicant was not the true and first inventor thereof or the assign or legal representative of such inventor thereof;

(d) that the original or any amended application or specification does not fulfil the requirements of this Regulation;

(e) that the applicant has knowingly or fraudulently included in the application for a patent or in the original or any amended specification, as his invention, something which was not new or whereof he was neither the inventor nor the assign nor the legal representative of such inventor;

(f) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent misstatement ;

(g) that a part of the invention or the manner in which a part is to be made and used as described in the original or any amended specification, is not thereby sufficiently described and that this insufficiency was fraudulent or is injurious to the public.

(2) A petition for revocation of a patent may be presented—

(a) by the Government Advocate or any person authorised by him ; or

(b) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims ; or

(ii) that he, or any person under or through whom he claims, was the true and first inventor of any invention included in the claim of the patentee ; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business or manufacture, had publicly manufactured, used or sold, within Mysore, before the date of the patent, anything claimed by the patentee as his invention.

(3) The Chief Court may, irrespective of any provisions of the Code of Civil Procedure, 1911, in this behalf, require any person, other than the Government Advocate or any person authorised by him, applying for the revocation of a patent to give security for the payment of all costs incurred or likely to be incurred by any person appearing to oppose the petition.

27. (1) Notice of any petition for revocation of a patent under section 26 shall be served on all persons appearing from the register to be proprietors of that patent or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

Notice of proceedings to persons interested.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is sent by post in a registered letter directed to the person and place for the time being stated in the register.

28. (1) The Chief Court may, if it thinks fit, direct an issue for the trial, before itself, or any District Court, of any question arising upon a petition to itself under section 26, and the issue shall be tried accordingly.

Framing issue for trial before other Courts

(2) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the Chief Court, and the Chief Court may thereupon act upon the finding of the District Court, or dispose of the petition upon the evidence recorded, or direct a new trial as the justice of the case may require.

29. (1) A patentee may institute a suit in a District Court having jurisdiction to try the suit against any person who, during the continuance of a patent acquired by him under this Regulation in respect of an invention makes, sells or uses the invention without his license, or counterfeits it, or imitates it.

Infringements of patents.

(2) Every ground on which a patent may be revoked under this Regulation shall be available by way of defence to a suit for infringement.

30. A patentee shall not be entitled to recover any damages in respect of any infringements of a patent granted after the commencement of this Regulation from any defendant who proves that at the date of the infringements he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the making of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall

Exemption of innocent infringer from liability for damages.

not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent :

Provided that nothing in this section shall affect any proceedings for an injunction.

Order for inspection, etc., in suit.

31. In a suit for infringement of a patent, the Court may, on the application of either party, make such order for an injunction, inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon, as the Court may see fit.

Certificate of validity questioned and costs thereon.

32. In a suit for infringement of a patent the Court may certify that the validity of the patent came in question; and if the Court so certifies, then in any subsequent suit in that Court for infringement of the same patent the plaintiff, on obtaining a final order or judgment in his favour, shall, unless the Court trying the suit otherwise directs, have his full costs, charges and expenses of and incidental to the said suit properly incurred.

Transmission of decrees and orders to the Controller.

33. A Court making a decree in a suit under section 29 or an order on a petition under section 26 shall send a copy of the decree or order, as the case may be, to the Controller, who shall cause an entry thereof and reference thereto to be made in the register of patents.

Hearing with assessor.

34. (1) In a suit or proceeding for infringement or revocation of a patent, the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceedings, call in the aid of an assessor specially qualified; and try the case wholly or partially with his assistance.

(2) A Court exercising appellate jurisdiction in respect of such suit or proceeding may, if it thinks fit, call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid ~~on~~^{to} an assessor under this section shall in every case be determined by the Court and be paid by it as part of the expenses of the execution of this Regulation.

Remedy in case of groundless threats of legal proceedings.

35. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring a suit against him in a District Court having jurisdiction to try the suit, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats :

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes a suit for infringement of his patent.

Miscellaneous.

Grant of patents to two or more persons.

36. Where, after the commencement of this Regulation a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a license without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his legal representatives.

Novelty of invention.

37. (1) An invention shall be deemed a new invention within the meaning of this Regulation—

a) if it has not, before the date of the application for a patent thereon, been publicly used in any part of Mysore, or been made publicly known in any part of Mysore and

(b) if the inventor has not by secret or experimental user made direct or indirect profits from his invention in excess of such an amount as the Court or the Government, as the case may be, may, in consideration of all the circumstances of the case, deem reasonable.

(2) The public use or knowledge of an invention before the date of the application for a patent thereon shall not be deemed a public use or knowledge within the meaning of this Regulation if the knowledge has been obtained surreptitiously or in fraud of the true and first inventor or has been communicated to the public in fraud of such inventor or in breach of confidence.

Provided that such inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for a patent.

38. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Controller, the Controller may at any time, on payment of the prescribed fee, seal a duplicate thereof. Loss or destruction of patent.

39. (1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Government, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application: Provisions as to exhibitions

Provided that—

(a) the exhibitor, before exhibiting the invention, gives the Controller the prescribed notice of his intention to do so; and

(b) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the Official Gazette, apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government, and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

PART II.

DESIGNS.

Registration of Designs.

40. (1) The Controller may, on the application of any person claiming to be the proprietor of any new or original design not previously published in ~~the Territories of~~ Mysore, register the design under this Part. Application for registration of designs.

(2) The application must be made in the prescribed form and must be left at the Patent Office in the prescribed manner and must be accompanied by the prescribed fee.

(3) The same design may be registered in more than one class, and, in case of doubt as to the class in which a design ought to be registered, the Controller may decide the question.

(4) The Controller may, if he thinks fit, refuse to register any design presented to him for registration; but any person aggrieved by any such refusal may appeal to the Government.

(5) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(6) A design when registered shall be registered as of the date of the application for registration.

Registration
of designs in
new classes.

41. Where a design has been registered in one or more classes of goods, the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

- (a) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or
- (b) on the ground of the design having been previously published in Mysore by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of
registration.

42. (1) The Controller shall grant a certificate of registration to the proprietor of the design when registered.

(2) The Controller may, in case of loss of the original certificate, or in any other case in which he deems it expedient, furnish one or more copies of the certificate.

Register of
Designs.

43. (1) There shall be kept at the Patent Office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs and such other matters as may be prescribed.

(2) The register of designs existing at the commencement of this Regulation shall be incorporated with and form part of the register of designs under this Regulation.

(3) The register of designs shall be *prima facie* evidence of any matters by this Regulation directed or authorized to be entered therein.

Copyright in Registered Designs.

Copyright on
registration.

44. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Regulation, have copyright in the design during five years from the date of registration.

(2) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller may, subject to any rules under this Regulation on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

Requirements
before deli-
very on sale.

45. (1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

- (a) (if exact representations or specimens were not furnished on the application for registration), furnish to the Controller the prescribed number of exact representations or specimens of the design; and, if he fails to do so, the Controller may erase his name from the register, and thereupon the copyright in the design shall cease; and

- (b) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered; and, if he fails to do so, the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Government by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Government may, if it thinks fit, by rule under this Regulation, dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as it thinks fit.

46. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

effect of disclosure on copyright.

47. (1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorized in writing by him, or a person authorized by the Controller or by the Court, and furnishing such information as may enable the Controller to identify the design, and shall not be open to the inspection of any person except in the presence of the Controller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

inspection of registered designs.

Provided that, where registration of a design is refused on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

48. On the request of any person furnishing such information as may enable the Controller to identify the design, and on payment of the prescribed fee, the Controller shall inform such person whether the registration still exists in respect of the design, and, if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Information as to existence of copyright.

Industrial and International Exhibitions.

49. (1) The exhibition at an industrial or international exhibition certified as such by the Government or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof:—

as to exhibitions.

Provided that—

(a) the exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the Controller the prescribed notice of his intention to do so; and

(b) the application for registration is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the Official Gazette apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

Legal Proceedings.

Piracy of registered design.

50. (1) During the existence of copyright in any design it shall not be lawful for any person—

(a) for the purpose of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or,

(b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section, he shall be liable for every contravention—

(a) to pay to the registered proprietor of the design a sum not exceeding five hundred rupees recoverable as a contract debt, or

(b) if the proprietor elects to bring a suit for the recovery of damages for any such contravention, and for an injunction against the repetition thereof, to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable in respect of any one design under clause (a) shall not exceed one thousand rupees.

(3) When the Court makes a decree in a suit under subsection (2), it shall send a copy of the decree to the Controller, who shall cause an entry thereof to be made in the register of designs.

Design Application of certain provisions of the Regulation as to patents to designs.

51. The provisions of this Regulation with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of design for references to the patentee, and of references to the design for references to the invention.

PART III.

GENERAL.

Patent Office and Proceedings thereat.

Patent Office.

52. (1) The Government may provide, for the purposes of this Regulation, an office which shall be called, and is in this Regulation referred to as, the Patent Office.

(2) The Patent Office shall be under the immediate control of the Controller of Patents and Designs, who shall act under the superintendence and direction of the Government.

(3) There shall be a seal for the Patent Office.

(4) Any act or thing directed to be done by or to the Controller may be done by or to any officer authorized by the Government.

Officers and clerks.

53. The Government may appoint the Controller, and so many officers and clerks, with such designations and duties as it thinks fit.

54. (1) There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to the patents and designs under this Regulation, such fees as may be prescribed by the Government, so however that the fees prescribed in respect of the instruments and matters mentioned in the schedule shall not exceed those there specified.

(2) A proceeding in respect of which a fee is payable under this Regulation or the rules made thereunder shall be of no effect unless the fee has been paid.

Provisions as to Registers and other Documents in the Patent Office.

55. There shall not be entered in any register kept under this Regulation or be receivable by the Controller, any notice of any trust, expressed, implied or constructive.

Notice of trust not to be entered in registers.

56. Every register kept under this Regulation shall at all convenient times be open to the inspection of the public, subject to the provisions of this Regulation; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Inspection of and extracts from registers.

57. Reports of the Controller made under this Regulation shall not in any case be published or be open to public inspection.

Reports of Controller.

58. (1) Where an application for a patent has been abandoned or become void, the specifications and drawings (if any), accompanying or left in connection with such application, shall not, save as otherwise expressly provided by this Regulation, at any time be open to public inspection or be published by the Controller.

Prohibition of publication of specifications, drawings, etc., where application abandoned, etc.

(2) Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application shall not at any time be open to public inspection or be published by the Controller.

59. The Controller may, on request in writing accompanied by the prescribed fee,—

Power for Controller to correct clerical errors.

(a) correct any clerical error in or in connection with an application for a patent or in any patent or any specification;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered;

(c) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

60. (1) Where a person claims to be entitled by assignment, transmission or other operation of law to a patent, or to the copyright in a registered design, the Controller shall, on request and on proof of title to his satisfaction, register his interest in such patent or design.

Entry of assignments and transmissions in registers.

(2) Where any person claims to be entitled as mortgagee, licensee or otherwise to any interest in a patent or registered design, the Controller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Regulation and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, license or dealing:

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other moveable property.

Rectification
of register by
Court.

61. (1) The Chief Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging or varying such entry as it may think fit.

(2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the Controller, who shall have the right to appear and be heard thereon.

(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the Controller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Powers and Duties of Controller.

Powers of
Controller in
proceedings
under
Regulation.

62. Subject to any rules in this behalf, the Controller in any proceedings before him under this Regulation shall have the powers of a Civil Court for the purpose of receiving evidence and administering oaths and enforcing the attendance of witness and compelling the production of documents and awarding costs.

Publication
of patented
inventions.

63. The Controller shall issue periodically a publication or patented inventions containing such information as the Government may direct.

Exercise of
discretionary
power by
Controller.

64. Where any discretionary power is by or under this Regulation given to the Controller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of an application or of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Power of
Controller to
take direc-
tions of
Government.

65. The Controller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Regulation, apply to the Government for directions in the matter.

Refusal to
grant patent
etc., in
certain cases

66. The Controller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

Appeals to
the Govern-
ment.

67. (1) Where an appeal is declared by this Regulation to lie from the Controller to the Government, the appeal shall be made within two months of the date of the order passed by the Controller, and shall be in writing, and accompanied by the prescribed fee.

(2) In calculating the said period of two months the time (if any) occupied in granting a copy of the order appealed against shall be excluded.

(3) The Government may, if it thinks fit, obtain the assistance of an expert in deciding such appeals, and the decision of the Government shall be final.

Evidence, et

Certificate of
Controller
to be
evidence.

68. A certificate purporting to be under the hand of the Controller as to any entry, matter or thing which he is authorized by this Regulation, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Application
and notices
by post.

69. Any application, notice or other document authorized or required to be left, made or given at the Patent Office or to the Controller, or to any other person under this Regulation may be sent by post.

70. (1) If any person is, by reason of infancy, lunacy or other disability, incapable of making any statement or doing anything required or permitted by or under this Regulation, the lawful guardian, committee or manager (if any) of the person subject to the disability, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, may make such statement or a statement as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

Declaration
by infant,
lunatic, etc.

(2) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the statement or the doing of the thing.

Agency.

71. The following documents, namely,—

- (1) applications for a patent,
- (2) notices of opposition,
- (3) applications for extension of term of a patent,
- (4) applications for the restoration of lapsed patents,
- (5) applications for leave to amend,
- (6) applications for compulsory license or revocation, and
- (7) notices of surrenders of patent,

Subscription
and verifica-
tion of certain
documents.

shall be signed and verified, in the manner prescribed, by the person making such applications or giving such notices:

Provided that, if such person is absent from Mysore, they may be signed and verified on his behalf by an agent resident in Mysore, authorized by him in writing in that behalf.

72. (1) All other applications and communications to the Controller under this Regulation may be signed by, and all attendances upon the Controller may be made by or through a legal practitioner or by or through an agent authorized to the satisfaction of the Controller.

Agency.

- (2) The Controller may, if he sees fit, require—
 - (a) any such agent to be resident in Mysore;
 - (b) any person not residing in Mysore to employ an agent residing in Mysore;
 - (c) the personal signature or presence of any applicant, opponent or other person.

Powers, etc., of Government.

73. (1) The Government may make such rules as it thinks fit, subject to the provisions of this Regulation—

Power of
Government
to make rules.

- (a) for regulating the practice of registration under this Regulation;
- (b) for classifying goods for the purposes of designs;
- (c) for making or requiring duplicates of specifications, drawings and other documents;
- (d) for securing and regulating the publishing and selling of copies, at such prices and in such manner as the Government thinks fit, of specifications, drawings and other documents;
- (e) for securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents;
- (f) generally for regulating the business of the Patent Office, the conduct of proceedings before the Controller, and all things by this Regulation placed under the direction or control of the Controller or of the Government; and
- (g) generally for the purpose of carrying into effect the provisions of this Regulation.

(2) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication.

(3) All rules made under this section shall be published in the Official Gazette, and on such publication shall have effect as if enacted in this Regulation.

Offences.

Wrongful use
of words
"Patent
Office."

74. If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with further fine of twenty rupees for each day on which the offence is continued after conviction therefor.

Reciprocal arrangements with British India and other foreign States.

75. (1) If the Government of Mysore makes any arrangement with the United Kingdom or with the Government of British India or any other ~~foreign~~ State for mutual protection of inventions, or designs and declares by a notification in the Official Gazette, the provisions of this section to be applicable in such cases, then any person who has applied for protection for any invention or design in the United Kingdom, British India or the other State shall be entitled to a patent for his invention or to registration of his design under the Regulation in priority to other applicants and the patent or registration shall have the same date as the date of the application in the United Kingdom, British India or the ~~foreign~~ State.

Provided that—

(a) The application is made in the case of a patent within twelve months, and in the case of a design within four months, from the application for protection in the United Kingdom, British India or the ~~foreign~~ State and

(b) nothing in this section shall entitle the patentee or proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent, his application is accepted, or in the case of a design the design is registered, in Mysore.

(2) The patent granted for an invention or the registration of a design shall not be invalidated.

(a) in the case of a patent, by reason only of the publication of a description of, or use of the invention, or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design,

in Mysore during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Regulation:

Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, British India or the ~~foreign~~ State the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period.

Savings and Repeal.

Saving for
prerogative.

76. Nothing in this Regulation shall take away, abridge or prejudicially affect the prerogative of His Highness the Maharaja in relation to the granting of any letters patent or to the withholding of a grant thereof.

77. The Inventions and Designs Regulation, 1894 is hereby repealed: Repeal.

Provided that this repeal shall not affect any application under the said Regulation pending at the commencement of this Regulation, and all proceedings on such application shall be continued as if this Regulation had not been passed.

78. (1) At any time within two years from the commencement of this Regulation, any person possessing an exclusive privilege under the Inventions and Designs Regulation, 1894, may, by request in writing left at the Patent Office and on payment of the prescribed fee, seek leave to convert his exclusive privilege under the said Regulation into a patent under this Regulation. Substitution of patents for rights under repealed Regulation.

(2) Notice of any application under this section shall be sent to all persons appearing from the address book kept under the said Regulation to have any shares or interests in the exclusive privilege.

(3) Save as aforesaid, the procedure prescribed by section 17 in the case of applications under that section shall, so far as may be, apply to every application under this section.

(4) Every patent granted under this section shall be dated as of the date of the exclusive privilege for which it is substituted.

THE SCHEDULE.

(See section 54.)

FEES.

	Rs.
On application for a patent	10
Before sealing a patent	30
Before the expiration of the 4th year from the date of the patent.	50
Before the expiration of the 5th year from the date of the patent.	50
Before the expiration of the 6th year from the date of the patent.	50
Before the expiration of the 7th year from the date of the patent.	50
Before the expiration of the 8th year from the date of the patent.	50
Before the expiration of the 9th year from the date of the patent.	100
Before the expiration of the 10th year from the date of the patent.	100
Before the expiration of the 11th year from the date of the patent.	100
Before the expiration of the 12th year from the date of the patent.	100
Before the expiration of the 13th year from the date of the patent.	100
Provided that the fees for two or more years may be paid in advance.	
On application to extend term of a patent	50
Before the expiration of each year of the extended term of a patent or of a new patent granted under section 15.	100
On application for registration of a design ...	3

STATEMENT OF OBJECTS AND REASONS.

The Mysore Inventions and Designs Regulation, 1894, was based on the British Indian Act of 1888. Since the passing of that Regulation conditions have greatly changed and the industrial development of the country has brought about a marked

increase in the work connected with applications for patents. Attention has, from time to time, been drawn to a number of points in which the procedure under the existing Regulation is considered as antiquated and cumbersome. Application for an extension of the term during which protection is afforded to a registered design had to be rejected for want of necessary provisions in the Regulation. Companies in the United Kingdom who have obtained patents there, have a grievance that the law, as it prevails now in Mysore, prevents altogether, the obtaining of a patent in Mysore unless the application is made within a year after the grant of a patent elsewhere.

The British Indian Act of 1888 has been amended by Act II of 1911 and it is desirable that the law in Mysore should also be suitably amended and brought into conformity with that prevailing in British India. The present bill is intended to achieve this object.

Under the existing procedure there is considerable disadvantage in having to file two documents, the application and the specification which have got to be more or less identical. Exclusive privilege does not accrue until the final specification is filed, so that between the dates of the application and of filing the final specification, the invention is filed without provisional protection being given. Further sufficient opportunity is not afforded to the public to object to the grant as the period is confined to a few days only. It is now proposed to simplify the procedure, give better protection to the inventor and provide better facilities for the filing of objections of the public. The following stages are accordingly prescribed for the obtaining of a patent :—

- (a) Submission of application and specification at the same time, together with the prescribed fee ;
- (b) acceptance of the application after complete examination within nine or twelve months ;
- (c) publication of documents after such acceptance ;
- (d) interval of three months for submission of objections to grant ;
- (e) grant of patent, after objections, if any, have been disposed of, on payment of the prescribed fee.

The following further improvements in the existing law are also proposed in the Bill :—

- (a) Patents will not lapse on cessation of foreign patents ;
- (b) Patents will be granted in a form more suitable for commercial purposes than the present certificates ;
- (c) Proprietorship of patents and designs will be more fully recorded ;
- (d) Validity of patents will be certified in certain cases for purposes of costs in subsequent suits so that a patentee will be protected against wilful infringers ;
- (e) Every ground available for revocation of a patent may be pleaded in a suit for infringement ;
- (f) Threats of legal proceedings for an alleged infringement will be actionable unless the patentee proceeds with due diligence and despatch to commence action in a Court ;
- (g) Copyright in registered designs may be extended from 5 to 10 or 15 years.

Finally a Controller of Patents and Designs will be appointed with power to dispose of many matters which are at present referred to the Government.

By Order,
RANGA RAO,
Secretary, Legislative Council

NOTIFICATION.

No. 2791, dated Bangalore 11th March 1925.

Under Order No. 49 of the Standing Orders for the conduct of business and procedure in the Legislative Council, published with No. P. 4349—Legis. 13-23-24. dated 5th February 1924, the accompanying report of the Select Committee on the Bill to amend the law relating to the protection of Inventions and Designs is published for information.

By Order,

R. RANGA RAO,

Secretary, Legislative Council.

REPORT OF THE SELECT COMMITTEE

We, the members of the Select Committee to consider the Bill to amend the law relating to the protection of Inventions and Designs have the honor to submit the following report :—

We considered the Bill at two sittings, at the first of which Dr. L. C. Coleman, one of our members, was unable to be present. With some verbal and typographical alterations, we approve of the Bill as placed before us.

In recommending that the Bill as amended may be passed by the Council, we have two suggestions to offer. Firstly, we think that the Regulation may be called the Mysore Patents and Designs Regulation and may be brought into force after the expiry of three months from the date of the passing thereof. Secondly, we are of opinion that the provision made under clause 67, sub-clause 1, for appeals being filed against an order of the Controller within two months of the date of the order is not very clear. If, for instance, the order is passed by the Controller without the knowledge of the party effected by the order and in his absence, the calculation of two months from the date of the order is likely to cause him some hardship. We therefore suggest that in exercise of the rule-making powers of Government under section 73, a rule should be made that before the Controller passes an order of the kind referred to in section 67 (1) a timely and sufficient notice of the date on which the order is to be passed should be given to the parties who will be affected by it.

We attach to this report a copy of the bill as approved by us. In view of the fact that we have made no material alterations in it, we do not think it necessary to publish the Bill as approved by us in the Gazette.

(Sd.) K. R. SRINIVASA IYENGAR (*Chairman*).

L. C. COLEMAN.

S. G. FORBES.

B. NAGAPPA.

RALPH NYE.

M. RAMACHANDRA RAO.

P. G. D'SOUZA.

(As amended 1925)
15

THE MYSORE [INVENTIONS] PATENT
DESIGNS REGULATION, 1925.

(AS AMENDED BY THE SELECT COMMITTEE.)

CONTENTS.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.

PART I.

PATENTS.

Application for and Grant of Patent.

3. Application.
4. Specification.
5. Proceedings upon application.
6. Advertisement on acceptance of application.
7. Use of invention on acceptance of application.
8. Inquiry before sealing patent.
9. Opposition to grant of patent.
10. Grant and sealing of patent.
11. Date of patent.
12. Effect, extent and term of patent.
13. Fraudulent applications for patents.

Term of Patent.

14. Term of patent.
15. Extension of term of patent.
16. Restoration of lapsed patent.

Amendment of Application or Specification.

17. Amendment of application or specification by Controller.
18. Amendment of specification by the Court.
19. Restriction on recovery of damages.

Register of Patents.

20. Register of Patents.

[Crown.] Government.

21. Patent to bind [Crown.] Government.

Compulsory Licenses and Revocation.

22. Compulsory licenses and revocation.
23. Revocation of patents worked outside Mysore.
24. Power of Controller to revoke surrendered patent.
25. Revocation of patent on public grounds.

Legal Proceedings.

26. Petition for revocation of patent.
27. Notice of proceedings to persons interested.
28. Framing issue for trial before other Courts.
29. Suits for infringement of patents.
30. Exemption of innocent infringer from liability for damages.
31. Order for inspection, etc., in suit.
32. Certificate of validity questioned and costs thereon.
33. Transmission of decrees and orders to the Controller.
34. Hearing with assessor.
35. Remedy in case of groundless threats of legal proceedings.

Miscellaneous

36. Grant of patents to two or more persons.
37. Novelty of invention.
38. Loss or destruction of patent.
39. Provisions as to exhibitions.

PART II.

DESIGNS.

Registration of Designs.

SECTIONS.

- 40. Application for registration of designs.
- 41. Registration of designs in new classes.
- 42. Certificate of Registration.
- 43. Register of Designs.

Copyright in Registered Designs.

- 44. Copyright on registration.
- 45. Requirements before delivery on sale.
- 46. Effect of disclosure on copyright.
- 47. Inspection of registered designs.
- 48. Information as to existence of copyright.

Industrial and International Exhibitions.

- 49. Provisions as to exhibitions.

Legal Proceedings.

- 50. Piracy of registered design.
- 51. Application to designs of certain provisions of the Regulation as to patents.

PART III.

GENERAL.

Patent Office and Proceedings thereat.

- 52. Patent Office.
- 53. Officers and clerks.

Fees.

- 54. Fees.

Provisions as to Registers and other Documents in the Patent Office.

- 55. Notice of trust not to be entered in registers.
- 56. Inspection of and extracts from registers.
- 57. Privilege of reports of Controller.
- 58. Prohibition of publication of specification, drawing etc., where application abandoned, etc.
- 59. Power for Controller to correct clerical errors.
- 60. Entry of assignments and transmissions in registers.
- 61. Rectification of register by Court.

Powers and Duties of Controller.

- 62. Powers of Controller in proceedings under Regulation.
- 63. Publication of patented inventions.
- 64. Exercise of discretionary power by Controller.
- 65. Power of Controller to take directions of Government.
- 66. Refusal to grant patent, etc., in certain cases.
- 67. Appeals to the Government.

Evidence, etc.

- 68. Certificate of Controller to be evidence.
- 69. Applications and notices by post.
- 70. Declaration by infant, lunatic, etc.

Agency.

- 71. Subscription and verification of certain documents.
- 72. Agency.

Powers, etc. of Government

- 73. Power for Government to make rules.

Offences.

- 74. Wrongful use of words "Patent Office."

Reciprocity.

- 75. Reciprocal arrangements with British India and other foreign states.

Savings and Repeal.

- 76. Saving for prerogative.
- 77. Repeal.
- 78. Substitution of patents for rights under repealed Regulation.

THE SCHEDULE.—FEES.

WHEREAS it is expedient to amend the law relating to the protection of [inventions], patents and designs; His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the Mysore Patents and Designs Regulation, 1925.

Short title,
extent and
commence-
ment.

(3) It shall come into force [on the first day of] *after the expiry of three months from the date of the passing thereof.*

2. In this Regulation unless there is anything repugnant in the subject or context,—

Definitions.

1) "article" means (as respects designs) any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural

2) "Controller" means the Controller of Patents and Designs appointed under this Regulation:

(3) "copyright" means the exclusive right to apply a design to any article in any class in which the design is registered:

(4) "design" means any design applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined, but does not include any trade or property mark as defined in sections 478 and 479 of the Indian Penal Code :

(5) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure, 1911:

(6) "invention" means any manner of new manufacture and includes an improvement and an alleged invention :

(7) "legal representative" means a person who in law represents the estate of a deceased person :

(8) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture:

(9) "patent" means a patent granted under the provisions of this Regulation:

(10) "patentee" means the person for the time being entitled to the benefit of a patent:

(11) "prescribed" includes prescribed by rules under this Regulation and:

(12) "proprietor of a new and original design",—

(a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(b) where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired the person by whom the design or right is so acquired; and

(c) in any other case, means the author of the design ;
and where the property in, or the right to apply, the design has
devolved from the original proprietor upon any other person,
includes that other person.

PART I.

PATENTS.

Application for and Grant of Patent.

Application

3. (1) An application for a patent may be made by any person whether he is a subject of His Highness the Maharaja of Mysore or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form, and must be left at the Patent Office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor or the legal representative or assign of such inventor and for which he desires to obtain a patent, and must be accompanied by a specification and by the prescribed fee.

(4) Where the true and first inventor is not a party to the application, the application must contain a statement of his name, and such particulars for his identification as may be prescribed, and the applicant must show that he is the legal representative or assign of such inventor.

Specification

4. (1) The specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(2) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the application, and such drawings shall be deemed to form part of the specification.

(3) The specification must commence with the title, and must end with a distinct statement of the invention claimed.

(4) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

Proceedings upon application.

5. (1) The Controller shall examine every application, and if he considers that—

(a) the nature of the invention is not fairly described, or

(b) the application, specification and drawings have not been prepared in the prescribed manner or relate to more than one invention, or

(c) the title does not sufficiently indicate the subject-matter of the invention, or

(d) the statement of claim does not sufficiently define the invention, or

(e) the invention as described and claimed is *prima facie* not a new manufacture or improvement,

he may refuse to accept the application or require that the application, specification or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the Controller so directs, bear date as from the time when the requirement is complied with.

(2) Where the Controller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the Government.

(3) The investigations required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Government or any officer by reason of, or in connection with, any such investigation or any proceeding consequent thereon.

(4) Unless an application is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void.

Provided that where an application is made for an extension of time for the acceptance of an application, the Controller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months.

6. On the acceptance of an application the Controller shall give notice thereof to the applicant and shall advertise the acceptance; and the application and specification with the drawings (if any) shall be open to public inspection.

Advertise-
ment on
acceptance of
application.

7. Where an application for a patent in respect of an invention has been accepted, any use or publication of the invention during the period between the date of application and the date of sealing such patent shall not prejudice the patent to be granted for the invention:

Use of
invention on
acceptance
of applica-
tion.

Provided that an applicant shall not be entitled to institute any proceedings for infringement unless and until a patent for the invention has been granted to him.

8. After acceptance of an application and before sealing a patent the Controller shall, if he thinks it advisable or is directed by the Government so to do, refer the specification for inquiry and report to any person whom he thinks fit.

Inquiry
before sealing
patent.

9. (1) Any person may, on payment of the prescribed fee, at any time within three months from the date of the advertisement of the acceptance of an application, give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds, namely:—

Opposition
to grant of
patent.

(a) that the applicant obtained the invention from him, or from a person of whom he is the legal representative or assign; or

(b) that the invention has been claimed in any specification filed in Mysore which is or will be of prior date to the patent, the grant of which is opposed; or

(c) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the specification; or

(d) that the invention has been publicly used in any part of Mysore or has been made publicly known in any part of Mysore;
but on no other ground.

(2) Where such notice is given, the Controller shall give notice of the opposition to the applicant, and shall, on the expiration of those three months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the Controller shall be subject to appeal to the Government.

10. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted, subject to such conditions (if any) as the Government thinks expedient, to the applicant, or in the case of a joint application to the applicants jointly, and the Controller shall cause the patent to be sealed with the seal of the Patent Office.

Grant and
sealing of
patent.

(2) A patent shall be sealed as soon as may be, and not after the expiration of eighteen months from the date of application:

Provided that,—

(a) where the Controller has allowed an extension of the time within which an application may be accepted, a further extension of four months after the said eighteen months shall be allowed for the sealing of the patent;

(b) where the sealing is delayed by an appeal to the Government or by a reference under section 8, or by opposition to the grant of the patent, the patent may be sealed at such time as the Controller may direct;

(c) where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death ;

(d) where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

Date of
patent.

11. Except as otherwise expressly provided by this Regulation, a patent shall be dated and sealed as of the date of the application :

Provided that no proceeding shall be taken in respect of an infringement committed before the publication of the specification.

Effect, extent
and form of
patent.

12. (1) A patent sealed with the seal of the Patent Office shall, subject to the other provisions of this Regulation, confer on the patentee the exclusive privilege of making, selling and using the invention throughout Mysore and of authorizing others so to do.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim ; and it shall not be competent for any person in a suit or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

Fraudulent
applications
for patents.

13. (1) A patent granted to the true and first inventor or his legal representative or assign shall not be invalidated by an application in fraud of him, or by protection obtained thereon or by any use or publication of the invention subsequent to that fraudulent application during the period of protection.

(2) Where a patent has been revoked on the ground of fraud or on any other ground, the Controller may on the application of the true inventor or his legal representative or assign made in accordance with the provisions of this Regulation, grant to him a patent in lieu of and bearing the same date as the patent so revoked for any invention comprised in the revoked patent to which he was entitled :

Provided that no suit shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Term of patent.

Term of
patent.

14. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Regulation, be fourteen years from its date.

(2) A patent shall, notwithstanding anything therein or in this Regulation, cease if the patentee fails to pay the prescribed fees within the prescribed times :

Provided that the Controller, upon the application of the patentee, shall, on receipt of such additional fee as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed time and before any enlargement thereof, the Court before which the proceeding is taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

15. (1) "A patentee may, after advertising in the prescribed manner his intention to do so, present a petition to the Government praying that his patent may be extended for a further term; but such petition must be left at the Patent Office at least six months before the time limited for the expiration of the patent and must be accompanied by the prescribed fee.

Extension of
term of
patent.

(2) Any person may give notice to the Controller of objection to the extension.

(3) Where a petition is presented under sub-section (1), the Government may, as it thinks fit, dispose of the petition or refer it to the Chief Court for decision.

(4) If the petition be referred to the Chief Court, then on the hearing of such petition under this section the patentee, and any person who has given notice under sub-section (2) of objection, shall be made parties to the proceeding, and the Controller shall be entitled to appear and be heard.

(5) The Court to which the petition is referred shall, in considering its decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(6) If it appears to the Government or to the Chief Court when the petition has been referred to it, that the patentee has been inadequately remunerated by his patent, the Government or the Chief Court, as the case may be, may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and subject to the payment of such fees as may be prescribed and containing any restriction, conditions and provisions which the Government or the Chief Court, as the case may be, may think fit;

Provided that any patent so extended or granted shall, notwithstanding anything therein, or in this Regulation, cease if the inventor fails to pay before the expiration of each year the prescribed fee.

16. (1) Where any patent has ceased owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the Controller in the prescribed manner for an order for the restoration of the patent.

Restoration
of lapsed
patent.

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional or unavoidable and that no undue delay has occurred in the making of the application, the Controller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given, the Controller shall notify the applicant thereof.

(5) After the expiration of the prescribed period, the Controller shall hear the case and, subject to an appeal to the Government, issue an order either restoring the patent subject to any conditions and restrictions deemed to be advisable or dismissing the application.

Provided that in every order under this section restoring a patent such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had ceased.

Amendment of Application or Specification.

17. (1) An applicant or a patentee may at any time, by request in writing left at the Patent Office and accompanied by the prescribed fee, seek leave to amend his application or specification, including drawings forming part thereof, by way of disclaimer, correction or explanation stating the nature of, and the reasons for, the proposed amendment.

Amendment
of application
or specification
by
Controller.

(2) If the application for a patent has not been accepted, the Controller shall determine whether and subject to what conditions (if any), the amendment shall be allowed.

(3) In any other case the request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within three months from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(4) Where such a notice is given, the Controller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(5) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the Controller shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) The decision of the Controller in either case shall be subject to an appeal to the Government.

(7) No amendment shall be allowed that would make the application or specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the application or specification as it stood before amendment.

(8) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all Courts and for all purposes be deemed to form part of the application or specification.

(9) This section shall not apply when and so long as any suit for infringement or proceeding before a Court for the revocation of the patent is pending.

Amendment
of speci-
fication by
the Court.

18. In any suit for infringement of a patent or proceeding before a Court for the revocation of a patent, the Court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit:

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court notice of the application shall be given to the Controller, and the Controller shall have the right to appear and be heard.

Restriction
on recovery
of damages.

19. Where an amendment of a specification by way of disclaimer, correction or explanation has been allowed under this Regulation, no damages shall be given in any suit in respect of the use of the invention before the disclaimer, correction or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Register of Patents

Register of
Patents.

20. (1) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licenses under patents and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of inventions and address book existing at the commencement of this Regulation shall be incorporated with, and form part of, the register of patents under this Regulation.

(3) The register of patents shall be *prima facie* evidence of any matters by this Regulation directed or authorised to be inserted therein.

94 8125

(4) Copies of deeds, licenses and any other documents affecting the proprietorship in any patent or in any license thereunder, must be supplied to the Controller in the prescribed manner for filing in the Patent Office, and, unless such copies have been so supplied, such deeds, licenses or other documents shall not be received as evidence of any transaction affecting a patent.

21. Subject to any conditions which the Government may have imposed, a patent shall have to all intents the like effect as against [His Highness the Maharaja] *the Government of Mysore* as it has against a subject:

Patent to bind [Crown] Government

Provided that the officers or authorities administering any department of the service of [His Highness the Maharaja] *the Government* may, by themselves, their agents, contractors or others, at any time after the application, use the invention for the services of [His Highness the Maharaja] *the Government* on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Government between those officers or authorities and the patentee, or, in default of agreement, as may be settled by the Government of Mysore after hearing all parties interested.

Compulsory Licenses and Revocation.

22. (1) Any person interested may present a petition to the Government which shall be left at the Patent Office, together with the prescribed fee, alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory license, or, in the alternative, for the revocation of the patent.

Compulsory licenses and revocation.

(2) The Government shall consider the petition, and if the parties do not come to an arrangement between themselves the Government may, as it thinks fit, either dispose of the petition or refer it to the Chief Court for decision.

(3) The provisions of sub-section (4) of section 15, prescribing the procedure to be followed in the case of references to the Court under that section, shall apply in the case of references made to the Court under this section.

(4) If the Government is of opinion, or where a reference has been made under sub-section (2) to the Chief Court that Court finds, that the reasonable requirements of the public with reference to the patented invention have not been satisfied the patentee may be ordered to grant licenses on such terms as the Government or the Chief Court, as the case may be, may think just, or, if the Government or the Chief Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of licenses, the patent may be revoked by order of the Government or the Chief Court:

Provided that an order of revocation shall not be made before the expiration of four years from the date of the patent, or if the patentee gives satisfactory reasons for his default.

(5) For the purposes of this section the reasonable requirements of the public shall not be deemed to have been satisfied—

(a) if by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licenses on reasonable terms, any existing trade or industry, or the establishment of any new trade or industry in Mysore is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

(b) if any trade or industry in Mysore is unfairly prejudiced by the conditions attached by the patentee before or after the commencement of this Regulation to the purchase, hire or use of the patented article or to the using or working of the patented process.

(6) An order of the Government or of the Chief Court directing the grant of any license under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the parties to the proceeding.

Revocation
of patents
worked
outside
Mysore.

23. (1) At any time not less than four years after the date of a patent granted under this Regulation, any person may apply to the Government for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the territories of Mysore.

(2) The Government shall consider the application, and, if after inquiry, it is satisfied—

(a) that the allegations contained therein are correct; and

(b) that the applicant is prepared, and is in a position, to manufacture or carry on the patented article or process, in Mysore; and

(c) that the patentee refuses to grant a license on reasonable terms,

then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in Mysore, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the Government may make an order revoking the patent either—

(i) forthwith; or

(ii) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to the satisfaction that the patented article or process is manufactured or carried on within Mysore to an adequate extent.

(3) No order revoking a patent shall be made under the last sub-section which is at variance with any treaty, convention, arrangement or engagement with any foreign country or British possession.

(4) The Government may, on the application of the patentee, extend the time limited in any order made under sub-section (2), clause (ii), for such period not exceeding two years as he may specify in a subsequent order, or revoke any order made under sub-section (2), clause (ii), or any subsequent order if sufficient cause is in his opinion shown by the patentee.

Power of
Controller to
revoke
surrendered
patent.

24. A patentee may at any time, by giving notice in the prescribed manner to the Controller, offer to surrender his patent, and the Controller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

Revocation
of patent
on public
grounds.

25. A patent shall be deemed to be revoked if the Government declares, by notification in the Official Gazette, the patent or the mode in which it is exercised to be mischievous to the State or generally prejudicial to the public.

Legal Proceedings.

Petition for
revocation
of patent.

26. (1) Revocation of a patent in whole or in part may be obtained on petition to the Chief Court on all or any of the following grounds, namely:—

(a) that any invention included in the statement of claim is of no utility;

(b) that any invention included in the statement of claim was not, at the date of the application for a patent, a new invention within the meaning of this Regulation;

(c) that the applicant was not the true and first inventor thereof or the assign or legal representative of such inventor thereof;

(d) that the original or any amended application or specification does not fulfil the requirements of this Regulation;

(e) that the applicant has knowingly or fraudulently included in the application for a patent or in the original or any amended specification, as his invention, something which was not new or whereof he was neither the inventor nor the assign nor the legal representative of such inventor;

(f) that the original or any subsequent application relating to the invention, or the original or any amended, specification, contains a wilful or fraudulent misstatement ;

(g) that a part of the invention or the manner in which a part is to be made and used as described in the original or any amended specification, is not thereby sufficiently described and that this insufficiency was fraudulent or is injurious to the public.

(2) A petition for revocation of a patent may be presented—

(a) by the Government Advocate or any person authorised by him ; or,

(b) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims ; or

(ii) that he, or any person under or through whom he claims, was the true and first inventor of any invention included in the claim of the patentee ; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business or manufacture, had publicly manufactured, used or sold, within Mysore, before the date of the patent, anything claimed by the patentee as his invention.

(3) The Chief Court may, irrespective of any provisions of the Code of Civil Procedure, 1911, in this behalf, require any person, other than the Government Advocate or any person authorised by him, applying for the revocation of a patent to give security for the payment of all costs incurred or likely to be incurred by any person appearing to oppose the petition.

27. (1) Notice of any petition for revocation of a patent under section 26 shall be served on all persons appearing from the register to be proprietors of that patent or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

Notice
proceeding
to persons
interested

(2) The notice shall be deemed to be sufficiently served if a copy thereof is sent by post in a registered letter directed to the person and place for the time being stated in the register.

28. (1) The Chief Court may, if it thinks fit, direct an issue for the trial, before itself, or any District Court, of any question arising upon a petition to itself under section 26, and the issue shall be tried accordingly.

Framing
issue for
trial before
other Courts

(2) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the Chief Court, and the Chief Court may thereupon act upon the finding of the District Court, or dispose of the petition upon the evidence recorded, or direct a new trial, as the justice of the case may require.

29. (1) A patentee may institute a suit in a District Court having jurisdiction to try the suit against any person who, during the continuance of a patent acquired by him under this Regulation in respect of an invention makes, sells or uses the invention without his license, or counterfeits it, or imitates it.

Suits for
infringement
of patents.

(2) Every ground on which a patent may be revoked under this Regulation shall be available by way of defence to a suit for infringement.

30. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Regulation from any defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and the marking of an article with the word "patent," "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall

Exemption
of innocent
infringer /
from liability
for damages.

not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent :

Provided that nothing in this section shall affect any proceedings for an injunction.

Order for
inspection,
etc., in suit.

31. In a suit for infringement of a patent, the Court may, on the application of either party, make such order for an injunction, inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon, as the Court may see fit.

Certificate of
validity ques-
tioned and
costs thereon.

32. In a suit for infringement of a patent, the Court may certify that the validity of the patent came in question, and if the Court so certifies, then in any subsequent suit in that Court for infringement of the same patent, the plaintiff, on obtaining a final order or judgment in his favour, shall, unless the Court trying the suit otherwise directs, have his full costs, charges and expenses of and incidental to the said suit properly incurred.

Transmission
of decrees
and orders
to the
Controller.

33. A Court making a decree in a suit under section 29 or an order on a petition under section 26 shall send a copy of the decree or order, as the case may be, to the Controller, who shall cause an entry thereof and reference thereto to be made in the register of patents.

Hearing with
assessor.

34. (1) In a suit or proceeding for infringement or revocation of a patent, the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceedings, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance.

(2) A Court exercising appellate jurisdiction in respect of such suit or proceeding may, if it thinks fit, call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall in every case be determined by the Court and be paid by it as part of the expenses of the execution of this Regulation.

Remedy in
case of
groundless
threats of
legal proceed-
ings.

35. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring a suit against him in a District Court having jurisdiction to try the suit, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats :

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes a suit for infringement of his patent.

Miscellaneous.

Grant of
patents to
two or more
persons.

36. Where, after the commencement of this Regulation a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a license without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his legal representatives.

Novelty of
invention.

37. (1) An invention shall be deemed a new invention within the meaning of this Regulation—

(a) if it has not, before the date of the application for a patent thereon, been publicly used in any part of Mysore, or been made publicly known in any part of Mysore, and

98
857

b) if the inventor has not by secret or experimental use, made direct or indirect profits from his invention in excess of such an amount as the Court or the Government, as the case may be, may in consideration of all the circumstances of the case, deem reasonable.

(2) The public use or knowledge of an invention before the date of the application for a patent thereon shall not be deemed a public use or knowledge within the meaning of this Regulation if the knowledge has been obtained surreptitiously or in fraud of the true and first inventor or has been communicated to the public in fraud of such inventor or in breach of confidence:

s. Provided that such inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for a patent.

38. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Controller, the Controller may at any time, on payment of the prescribed fee, seal a duplicate thereof. Loss or destruction of patent

39. (1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Government, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application. Provisions as to exhibitions

Provided that—

(a) the exhibitor, before exhibiting the invention, gives the Controller the prescribed notice of his intention to do so and

(b) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the Official Gazette, apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government, and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

PART II

DESIGNS.

Registration of Designs.

40. (1) The Controller may, on the application of any person claiming to be the proprietor of any new or original design not previously published in the territories of Mysore, register the design under this Part. Application for registration of designs.

(2) The application must be made in the prescribed form and must be left at the Patent Office in the prescribed manner and must be accompanied by the prescribed fee.

(3) The same design may be registered in more than one class, and, in case of doubt, as to the class in which a design ought to be registered, the Controller may decide the question.

(4) The Controller may, if he thinks fit, refuse to register any design presented to him for registration; but any person aggrieved by any such refusal may appeal to the Government.

(5) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(6) A design when registered shall be registered as of the date of the application for registration.

Registration
of designs in
new classes.

41. Where a design has been registered in one or more classes of goods, the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

- (a) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or
- (b) on the ground of the design having been previously published in Mysore by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of
registration.

42. (1) The Controller shall grant a certificate of registration to the proprietor of the design when registered

(2) The Controller may, in case of loss of the original certificate, or in any other case in which he deems it expedient furnish one or more copies of the certificate.

Register of
Designs.

43. (1) There shall be kept at the Patent Office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs and such other matters as may be prescribed.

(2) The register of designs existing at the commencement of this Regulation shall be incorporated with and form part of the register of designs under this Regulation.

(3) The register of designs shall be *prima facie* evidence of any matters by this Regulation directed or authorised to be entered therein.

Copyright in Registered Designs.

Copyright on
Registration.

44. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Regulation, have copyright in the design during five years from the date of registration.

(2) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller may, subject to any rules under this Regulation, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

Requirements
before deli-
very on sale.

45. (1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

- (a) (If exact representations or specimens were not furnished on the application for registration), furnish to the Controller the prescribed number of exact representations or specimens of the design; and, if he fails to do so, the Controller may erase his name from the register, and thereupon the copyright in the design shall cease; and
- use each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered and, if he fails to do so, the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Government by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Government may, if it thinks fit, by rule under this Regulation, dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as it thinks fit.

46. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Effect of disclosure on copyright

47. (1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorized in writing by him, or a person authorized by the Controller or by the Court, and furnishing such information as may enable the Controller to identify the design, and shall not be open to the inspection of any person except in the presence of the Controller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

Inspection of registered designs.

Provided that, where registration of a design is refused, on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid, the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

48. On the request of any person furnishing such information as may enable the Controller to identify the design, and on payment of the prescribed fee, the Controller shall inform such person whether the registration still exists in respect of the design, and, if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Information as to existence of copyright.

Industrial and International Exhibitions.

49. (1) The exhibition at an industrial or international exhibition certified as such by the Government or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof:—

Provisions as to exhibitions.

Provided that

(a) the exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the Controller the prescribed notice of his intention to do so; and

(b) the application for registration is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the Official Gazette apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

Legal Proceedings.

Piracy of registered design.

50. (1) During the existence of copyright in any design it shall not be lawful for any person—

(a) for the purpose of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor, or to do anything with a view to enable the design to be so applied; or,

(b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section, he shall be liable for every contravention—

(a) to pay to the registered proprietor of the design a sum not exceeding five hundred rupees recoverable as a contract debt, or

(b) if the proprietor elects to bring a suit for the recovery of damages for any such contravention, and for an injunction against the repetition thereof, to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable in respect of any one design under clause (a) shall not exceed one thousand rupees.

(3) When the Court makes a decree in a suit under subsection (2), it shall send a copy of the decree to the Controller, who shall cause an entry thereof to be made in the register of designs.

Application to designs of certain provisions of the Regulation as to patents.

51. The provisions of this Regulation with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings, by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

PART III.

GENERAL.

Patent Office and Proceedings thereat.

Patent Office

52. (1) The Government may provide, for the purposes of this Regulation, an office which shall be called, and is in this Regulation referred to as, the Patent Office.

(2) The Patent Office shall be under the immediate control of the Controller of Patents and Designs, who shall act under the superintendence and direction of the Government.

(3) There shall be a seal for the Patent Office.

(4) Any act or thing directed to be done by or to the Controller may be done by or to any officer authorized by the Government.

Officers and clerks.

53. The Government may appoint the Controller, and so many officers and clerks, with such designations and duties, as it thinks fit.

54. (1) There shall be paid in respect of the grant of patents and the registration of designs, and applications therefor, and in respect of other matters with relation to the patents and designs under this Regulation, such fees as may be prescribed by the Government, so, however that the fees prescribed in respect of the instruments and matters mentioned in the schedule shall not exceed those there specified.

Fees.

(2) A proceeding in respect of which a fee is payable under this Regulation or the rules made thereunder shall be of no effect unless the fee has been paid.

Provisions as to Registers and other Documents in the Patent Office.

55. There shall not be entered in any register kept under this Regulation or be receivable by the Controller, any notice of any trust, expressed, implied or constructive

Notice of trust not to be entered in registers.

56. Every register kept under this Regulation shall at all convenient times be open to the inspection of the public, subject to the provisions of this Regulation; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Inspection of and extracts from registers.

57. Reports of or to the Controller made under this Regulation shall not in any case be published or be open to public inspection.

Privilege of reports of Controller.

58. (1) Where an application for a patent has been abandoned or become void, the specifications and drawings (if any), accompanying or left in connection with such application, shall not, save as otherwise expressly provided by this Regulation, at any time be open to public inspection or be published by the Controller.

Prohibition of publication of specifications, drawings, etc., where application abandoned, etc.

(2) Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application shall not at any time be open to public inspection or be published by the Controller.

59. The Controller may, on request in writing accompanied by the prescribed fee,—

Power for Controller to correct clerical errors.

(a) correct any clerical error in or in connection with an application for a patent or in any patent or any specification;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered;

(c) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

60. (1) Where a person claims to be entitled by assignment, transmission or other operation of law to a patent, or to the copyright in a registered design, the Controller shall, on request and on proof of title to his satisfaction, register his interest in such patent or design.

Entry of assignment and transmissions in registers.

(2) Where any person claims to be entitled as mortgagee, licensee or otherwise to any interest in a patent or registered design, the Controller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Regulation and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licences as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment, licence or dealing.

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other moveable property.

Rectification
of register by
Court.

61. (1) The Chief Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging or varying such entry as it may think fit.

(2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the Controller, who shall have the right to appear and be heard thereon.

(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the Controller in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Powers and Duties of Controller.

Powers of
Controller in
proceedings
under
Regulation.

62. Subject to any rules in this behalf, the Controller in any proceedings before him under this Regulation shall have the powers of a Civil Court for the purpose of receiving evidence and administering oaths and enforcing the attendance of witnesses and compelling the production of documents and awarding costs.

Publication
of patented
inventions.

63. The Controller shall issue periodically a publication of patented inventions containing such information as the Government may direct.

Exercise of
discretionary
power by
Controller.

64. Where any discretionary power is by or under this Regulation given to the Controller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of an application or of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Power of
Controller to
take direc-
tions of
Government.

65. The Controller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Regulation, apply to the Government for directions in the matter.

Refusal to
grant patent,
etc., in
certain cases.

66. The Controller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

Appeals to
the Govern-
ment.

67. (1) Where an appeal is declared by this Regulation to lie from the Controller to the Government, the appeal shall be made within two months of the date of the order passed by the Controller, and shall be in writing, and accompanied by the prescribed fee.

(2) In calculating the said period of two months the time (if any) occupied in granting a copy of the order appealed against shall be excluded.

(3) The Government may, if it thinks fit, obtain the assistance of an expert in deciding such appeals, and the decision of the Government shall be final.

Evidence, etc.

Certificate of
Controller
to be
evidence.

68. A certificate purporting to be under the hand of the Controller as to any entry, matter or thing which he is authorized by this Regulation, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

Applications
and notices
by post.

69. Any application, notice or other document authorized or required to be left, made or given at the Patent Office or to the Controller, or to any other person under this Regulation may be sent by post.

70. (1) If any person is, by reason of infancy, lunacy or other disability, incapable of making any statement or doing anything required or permitted by or under this Regulation, the lawful guardian, committee or manager (if any) of the person subject to the disability, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, may make such statement or a statement as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

Declaration
by infant,
lunatic, etc.

(2) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the statement or the doing of the thing.

Agency.

71. The following documents, namely.—

- (1) applications for a patent,
- (2) notices of opposition,
- (3) applications for extension of term of a patent,
- (4) applications for the restoration of lapsed patent
- (5) applications for leave to amend,
- (6) applications for compulsory license or revocation, and
- (7) notices of surrenders of patent,

Subscription
and verification
of certain
documents.

shall be signed and verified, in the manner prescribed, by the person making such applications or giving such notices

Provided that, if such person is absent from Mysore, they may be signed and verified on his behalf by an agent resident in Mysore, authorized by him in writing in that behalf.

72. (1) All other applications and communications to the Controller under this Regulation may be signed by, and all attendances upon the Controller may be made by or through a legal practitioner or by or through an agent authorized to the satisfaction of the Controller.

Agency.

- (2) The Controller may, if he sees fit, require—
 - (a) any such agent to be resident in Mysore;
 - (b) any person, not residing in Mysore to employ an agent residing in Mysore;
 - (c) the personal signature or presence of any applicant, opponent or other person.

Powers, etc., of Government.

73. (1) The Government may make such rules as it thinks expedient, subject to the provisions of this Regulation—

Power for
Government
to make
rules.

- (a) for regulating the practice of registration under this Regulation;
- (b) for classifying goods for the purposes of designs;
- (c) for making or requiring duplicates of specifications, drawings and other documents;
- (d) for securing and regulating the publishing and selling of copies, at such prices and in such manner as the Government thinks fit, of specifications, drawings and other documents;
- (e) for securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office; and providing for the inspection of indexes and abridgments and other documents;
- (f) generally for regulating the business of the Patent Office, the conduct of proceedings before the Controller, and all things by this Regulation placed under the direction or control of the Controller or of the Government; and
- (g) generally for the purpose of carrying into effect the provisions of this Regulation.

(2) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication.

(3) All rules made under this section shall be published in the Official Gazette, and on such publication shall have effect as if enacted in this Regulation.

Offences.

Wrongful use
of words
"Patent
Office."

74. If any person uses on his place of business, or on any document issued by him, or otherwise, the words "Patent Office," or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with further fine of twenty rupees for each day on which the offence is continued after conviction therefor.

RECIPROCITY.

Reciprocal arrangements with British India and other [foreign] States.

75. (1) If the Government of Mysore makes any arrangement with the United Kingdom or with the Government of British India or any other [foreign] State for mutual protection of inventions or designs and declares, by a notification in the Official Gazette, the provisions of this section to be applicable in such cases, then any person who has applied for protection for any invention or design in the United Kingdom, British India or the other State shall be entitled to a patent for his invention or to registration of his design under the Regulation in priority to other applicants and the patent or registration shall have the same date as the date of the application in the United Kingdom, British India or the [foreign] other State.

Provided that—

(a) The application is made in the case of a patent within twelve months and in the case of a design within four months, from the application for protection in the United Kingdom, British India or the [foreign] other State and

(b) nothing in this section shall entitle the patentee or proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent his application is accepted, or in the case of a design the design is registered in Mysore.

(2) The patent granted for an invention or the registration of a design shall not be invalidated,—

a) in the case of a patent, by reason only of the publication of a description of, or use of the invention, or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design.

in Mysore during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Regulation.

Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, British India or the [foreign] other State, the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period.

Savings and Repeal.

Saving for
prerogative.

76. Nothing in this Regulation shall take away, abridge or prejudicially affect the prerogative of His Highness the Maharaja in relation to the granting of any letters patent or to the withholding of a grant thereof.

77. The Inventions and Designs Regulation, 1894, is hereby repealed.

Provided that this repeal shall not affect any application under the said Regulation pending at the commencement of this Regulation, and all proceedings on such application shall be continued as if this Regulation had not been passed.

78. (1) At any time within two years from the commencement of this Regulation, any person possessing an exclusive privilege under the Inventions and Designs Regulation, 1894, may, by request in writing left at the Patent Office and on payment of the prescribed fee, seek leave to convert his exclusive privilege under the said Regulation into a patent under this Regulation.

Substitution
of patents
for rights
under
repealed
Regulation

(2) Notice of any application under this section shall be sent to all persons appearing from the address book kept under the said Regulation to have any shares or interests in the exclusive privilege.

(3) Save as aforesaid, the procedure prescribed by section 17 in the case of applications under that section shall, so far as may be, apply to every application under this section.

(4) Every patent granted under this section shall be dated as of the date of the exclusive privilege for which it is substituted.

THE SCHEDULE.

(See section 54.)

FEES.

	Rs.
On application for a patent	10
Before sealing a patent	30
Before the expiration of the 4th year from the date of the patent.	50
Before the expiration of the 5th year from the date of the patent.	50
Before the expiration of the 6th year from the date of the patent.	50
Before the expiration of the 7th year from the date of the patent.	50
Before the expiration of the 8th year from the date of the patent.	50
Before the expiration of the 9th year from the date of the patent.	100
Before the expiration of the 10th year from the date of the patent.	100
Before the expiration of the 11th year from the date of the patent.	100
Before the expiration of the 12th year from the date of the patent.	100
Before the expiration of the 13th year from the date of the patent.	100
Provided that the fees for two or more years may be paid in advance.	
On application to extend term of a patent ...	50
Before the expiration of each year of the extended term of a patent or of a new patent granted under section 15.	100
On application for registration of a design ...	3

R. RANGA RAO,
Secretary, Legislative Council.

DRAFT.

107
107

SUBJECT.....

.....

.....

Section. *Legal*
File No. *1821*
Serial No. *2*Proceedings of the Government of
H. H. the Maharaja of Mysore.Order No. *P 160 Sub 8 13-7-25*
*to our Compiler Mysore Gazette*Ordered that the accompanying *Mysore**Regulation*, 1925
Regulation, 1925which received the assent of His High-
ness the Maharaja, on the *seventh*day of *July*, 1925be published as Regulation No. *III*of 1925, in the *Mysore Gazette* for gene-
ral information.

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT, ()

, the.....191

Date of issue.....*13/7/25*Signed by.....*H. C. A. G.*

May this be—

(i) Printed?

(ii) Treated as a standing order?

(iii) Published in the "Gazette" English
part?

(iv) Translated?

(v) Placed at the disposal of the Press?

(vi) Published in the "Gazette" Kannada
part?*my* Secretary to Government.
*9-7**2 Dec.*

To

The Compiler, *Mysore Gazette*, for
publication in Part III of the Gazette, in
English and Kannada and for supply of.....spare copies in English, and *Kannad*
.....spare copies in Kannada to *per 8th*
this office, and.....spare copies *order*
in English and.....spare copies
in Kannada to the Curator, Government
Central Book Depot, Bangalore. Proofs
should be sent to this office for approval *Set*
before publication.*9/7/25*
*9/9/25**Copy to Translators to be*

REGULATION III OF 925

**THE MYSORE PATENTS AND DESIGNS
REGULATION, 1925**

108/108

REGULATION III OF 1925.

THE MYSORE PATENTS AND DESIGNS REGULATION, 1925.

CONTENTS.

PRELIMINARY.

SECTIONS.

1. Short title, extent and commencement.
 2. Definitions.
-

PART I.

PATENTS.

Application for and Grant of Patent.

3. Application.
4. Specification.
5. Proceedings upon application.
6. Advertisement on acceptance of application.
7. Use of invention on acceptance of application.
8. Inquiry before sealing patent.
9. Opposition to grant of patent.
10. Grant and sealing of patent.
11. Date of patent.
12. Effect, extent and form of patent.
13. Fraudulent applications for patents.

Term of Patent.

14. Term of patent.
15. Extension of term of patent.
16. Restoration of lapsed patent.

Amendment of Application or Specification.

17. Amendment of application or specification by Controller.
18. Amendment of specification by the Court.
19. Restriction on recovery of damages.

SECTIONS. *Register of Patents.*

20. Register of patents.

Government.

21. Patent to bind Government.

Compulsory Licenses and Revocation.

22. Compulsory licenses and revocation.

23. Revocation of patents worked outside Mysore.

24. Power of Controller to revoke surrendered patent

25. Revocation of patent on public grounds.

Legal Proceedings.

26. Petition for revocation of patent.

27. Notice of proceedings to persons interested.

28. Framing issue for trial before other Courts.

29. Suits for infringement of patents.

30. Exemption of innocent infringer from liability for damages.

31. Order for inspection, etc., in suit.

32. Certificate of validity questioned and costs thereon.

33. Transmission of decrees and orders to the Controller.

34. Hearing with assessor.

35. Remedy in case of groundless threats of legal proceedings.

Miscellaneous.

36. Grant of patents to two or more persons.

37. Novelty of invention.

38. Loss or destruction of patent.

39. Provisions as to exhibitions.

PART II.

DESIGNS.

Registration of Designs.

40. Application for registration of designs.

41. Registration of designs in new classes.

42. Certificate of Registration.

43. Register of Designs.

Copyright in Registered Designs.

44. Copyright on registration.

45. Requirements before delivery on sale.

46. Effect of disclosure on copyright.

47. Inspection of registered designs.

48. Information as to existence of copyright.

CTIONS. *Industrial and International Exhibitions.*

9 PROVISIONS as to exhibitions.

Legal Proceedings.

- 50. Piracy of registered design.
- 51. Application to designs of certain provisions of the Regulation as to patents.

PART III

GENERAL.

Patent Office and Proceedings thereat.

- 52. Patent Office.
- 53. Officers and clerks.

Fees.

- 54. Fees.

Provisions as to Registers and other Documents in the Patent Office.

- 55. Notice of trust not to be entered in registers.
- 56. Inspection of and extracts from registers.
- 57. Privilege of reports of Controller.
- 58. Prohibition of publication of specification, drawings, etc., where application abandoned, etc.
- 59. Power for Controller to correct clerical errors.
- 60. Entry of assignments and transmissions in registers.
- 61. Rectification of register by Court.

Powers and Duties of Controller.

- 62. Powers of Controller in proceedings under Regulation.
- 63. Publication of patented inventions.
- 64. Exercise of discretionary power by Controller.
- 65. Power of Controller to take directions of Government.
- 66. Refusal to grant patent, etc., in certain cases.
- 67. Appeals to the Government.

Evidence, etc.

- 68. Certificate of Controller to be evidence.
- 69. Applications and notices by post.
- 70. Declaration by infant, lunatic, etc.

SECTIONS.

Agency.

- 71. Subscription and verification of certain documents
- 72. Agency.

Powers, etc. of Government.

- 73. Power for Government to make rules.

Offences.

- 74. Wrongful use of words "Patent Office."

Reciprocity.

- 75. Reciprocal arrangements with British India and other foreign states.

Savings and Repeal.

- 76. Saving for prerogative.
- 77. Repeal.
- 78. Substitution of patents for rights under repealed Regulation.

THE SCHEDULE—FEES.

REGULATION III OF 1925.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE SEVENTH DAY OF JULY 1925.)

A REGULATION TO AMEND THE LAW RELATING
TO THE PROTECTION OF PATENTS AND DESIGNS.

WHEREAS it is expedient to amend the law relating to the protection of patents and designs; His Highness the Maharaja is pleased to enact as follows:—

PRELIMINARY.

1. (1) This Regulation may be called the Mysore Patents and Designs Regulation, 1925. Short title, extent and commencement.

(2) It extends to the whole of Mysore, and

(3) It shall come into force after the expiry of three months from the date of the passing thereof.

2. In this Regulation unless there is anything repugnant to the subject or context:— Definitions

(1) “article” means (as respects designs) any article of manufacture and any substance, artificial or natural, or partly artificial and partly natural:

(2) “Controller” means the Controller of Patents and Designs appointed under this Regulation:

(3) “copyright” means the exclusive right to apply a design to any article in any class in which the design is registered:

(4) “design” means any design applicable to any article, whether the design is applicable for the pattern, or for the shape or configuration, or for the ornament thereof, or for any two, or more of such purposes, and by whatever means it is applicable, whether by printing, painting, embroidering, weaving, sewing, modelling, casting, embossing, engraving, staining, or any other means whatever, manual, mechanical or chemical, separate or combined, but does not include any trade or property mark as defined in sections 478 and 479 of the Indian Penal Code:

(5) “District Court” has the meaning assigned to that expression by the Code of Civil Procedure, 1911:

(6) “invention” means any manner of new manufacture and includes an improvement and an alleged invention:

(7) “legal representative” means a person who in law represents the estate of a deceased person:

(8) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture:

(9) "patent" means a patent granted under the provisions of this Regulation:

(10) "patentee" means the person for the time being entitled to the benefit of a patent:

(11) "prescribed" includes prescribed by rules under this Regulation, and:

(12) "proprietor of a new and original design",—

(a) where the author of the design, for good consideration, executes the work for some other person, means the person for whom the design is so executed; and

(b) where any person acquires the design or the right to apply the design to any article, either exclusively of any other person or otherwise, means, in the respect and to the extent in and to which the design or right has been so acquired, the person by whom the design or right is so acquired; and

(c) in any other case, means the author of the design; and where the property in, or the right to apply, the design has devolved from the original proprietor upon any other person, includes that other person.

PART I.

PATENTS.

Application for and Grant of Patent.

Application

3. (1) An application for a patent may be made by any person whether he is a subject of His Highness the Maharaja of Mysore or not, and whether alone or jointly with any other person.

(2) The application must be made in the prescribed form and must be left at the Patent Office in the prescribed manner.

(3) The application must contain a declaration to the effect that the applicant is in possession of an invention, whereof he, or in the case of a joint application one at least of the applicants, claims to be the true and first inventor or the legal representative or assign of such inventor and for which he desires to obtain a patent, and must be accompanied by a specification and by the prescribed fee.

(4) Where the true and first inventor is not a party to the application, the application must contain a statement of his name, and such particulars for his identification as may be prescribed, and the applicant must show that he is the legal representative or assign of such inventor.

Specification

4. (1) The specification must particularly describe and ascertain the nature of the invention and the manner in which the same is to be performed.

(2) Where the Controller deems it desirable, he may require that suitable drawings shall be supplied with the specification, or at any time before the acceptance of the application, and such drawings shall be deemed to form part of the specification.

(3) The specification must commence with the title, and must end with a distinct statement of the invention claimed.

(4) If in any particular case the Controller considers that an application should be further supplemented by a model or sample of anything illustrating the invention or alleged to constitute an invention, such model or sample as he may require shall be furnished before the acceptance of the application, but such model or sample shall not be deemed to form part of the specification.

5. (1) The Controller shall examine every application, and if he considers that—

Proceedings
upon appli-
cation.

(a) the nature of the invention is not fairly described, or

(b) the application, specification and drawings have not been prepared in the prescribed manner or relate to more than one invention, or

(c) the title does not sufficiently indicate the subject-matter of the invention, or

(d) the statement of claim does not sufficiently define the invention, or

(e) the invention as described and claimed is *prima facie* not a new manufacture or improvement, he may refuse to accept the application or require that the application, specification or drawings be amended before he proceeds with the application; and in the latter case the application shall, if the controller so directs, bear date as from the time when the requirement is complied with.

(2) Where the Controller refuses to accept an application or requires an amendment, the applicant may appeal from his decision to the Government.

(3) The investigations required by this section shall not be held in any way to guarantee the validity of any patent, and no liability shall be incurred by the Government or any officer by reason of, or in connection with, any such investigation, or any proceeding consequent thereon.

(4) Unless an application is accepted within twelve months from the date of the application, the application shall (except where an appeal has been lodged) become void:

Provided that where an application is made for an extension of time for the acceptance of an application, the Controller shall, on payment of the prescribed fee, grant an extension of time to the extent applied for but not exceeding three months.

6. On the acceptance of an application the Controller shall give notice thereof to the applicant and shall advertise the acceptance; and the application and specification with the drawings (if any) shall be open to public inspection.

Advertise-
ment on
acceptance of
application.

Use of invention on acceptance of application.

7. Where an application for a patent in respect of an invention has been accepted, any use or publication of the invention during the period between the date of application and the date of sealing such patent shall not prejudice the patent to be granted for the invention :

Provided that an applicant shall not be entitled to institute any proceedings for infringement unless and until a patent for the invention has been granted to him.

Inquiry before sealing patent.

8. After acceptance of an application and before sealing a patent the Controller shall, if he thinks it advisable or is directed by the Government so to do, refer the specification for inquiry and report to any person whom he thinks fit.

Opposition to grant of patent.

9. (1) Any person may, on payment of the prescribed fee, at any time within three months from the date of the advertisement of the acceptance of an application, give notice at the Patent Office of opposition to the grant of the patent on any of the following grounds, namely :—

(a) that the applicant obtained the invention from him, or from a person of whom he is the legal representative or assign ; or

(b) that the invention has been claimed in any specification filed in Mysore which is or will be of prior date to the patent, the grant of which is opposed ; or

(c) that the nature of the invention or the manner in which it is to be performed is not sufficiently or fairly described and ascertained in the specification ; or

(d) that the invention has been publicly used in any part of Mysore or has been made publicly known in any part of Mysore ;
but on no other ground.

(2) Where such notice is given, the Controller shall give notice of the opposition to the applicant, and shall, on the expiration of those three months, after hearing the applicant and the opponent, if desirous of being heard, decide on the case.

(3) The decision of the Controller shall be subject to appeal to the Government.

Grant and sealing of patent.

10. (1) If there is no opposition, or, in case of opposition, if the determination is in favour of the grant of a patent, a patent shall, on payment of the prescribed fee, be granted, subject to such conditions (if any) as the Government thinks expedient, to the applicant, or in the case of a joint application to the applicants jointly, and the Controller shall cause the patent to be sealed with the seal of the Patent Office.

(2) A patent shall be sealed as soon as may be, and not after the expiration of eighteen months from the date of application :

Provided that,—

(a) where the Controller has allowed an extension of the time within which an application may be accepted; a further

extension of four months after the said eighteen months shall be allowed for the sealing of the patent ;

(b) where the sealing is delayed by an appeal to the Government or by a reference under section 8, or by opposition to the grant of the patent, the patent may be sealed at such time as the Controller may direct ;

(c) where the patent is granted to the legal representative of an applicant who has died before the expiration of the time which would otherwise be allowed for sealing the patent, the patent may be sealed at any time within twelve months after the date of his death ;

(d) where in consequence of the neglect or failure of the applicant to pay any fee a patent cannot be sealed within the period allowed by this section, that period may, on payment of the prescribed fee and on compliance with the prescribed conditions, be extended to such an extent as may be prescribed.

11. Except as otherwise expressly provided by this Regulation, a patent shall be dated and sealed as of the date of the application : Date of patent.

Provided that no proceeding shall be taken in respect of an infringement committed before the publication of the specification.

12. (1) A patent sealed with the seal of the Patent Office shall, subject to the other provisions of this Regulation, confer on the patentee the exclusive privilege of making, selling and using the invention throughout Mysore and of authorizing others so to do. Effect, extent and form of patent.

(2) Every patent may be in the prescribed form and shall be granted for one invention only, but the specification may contain more than one claim ; and it shall not be competent for any person in a suit or other proceeding to take any objection to a patent on the ground that it has been granted for more than one invention.

13. (1) A patent granted to the true and first inventor or his legal representative or assign shall not be invalidated by an application in fraud of him, or by protection obtained thereon or by any use or publication of the invention subsequent to that fraudulent application during the period of protection. Fraudulent applications for patents.

(2) Where a patent has been revoked on the ground of fraud or on any other ground, the Controller may on the application of the true inventor or his legal representative or assign made in accordance with the provisions of this Regulation, grant to him a patent in lieu of and bearing the same date as the patent so revoked, for any invention comprised in the revoked patent to which he was entitled :

Provided that no suit shall be brought for any infringement of the patent so granted committed before the actual date when such patent was granted.

Term of patent.

Term of
patent.

14. (1) The term limited in every patent for the duration thereof shall, save as otherwise expressly provided by this Regulation, be fourteen years from its date.

(2) A patent shall, notwithstanding anything therein or in this Regulation, cease if the patentee fails to pay the prescribed fees within the prescribed times:

Provided that the Controller, upon the application of the patentee, shall, on receipt of such additional fee as may be prescribed, enlarge the time to such an extent as may be applied for but not exceeding three months.

(3) If any proceeding is taken in respect of an infringement of the patent committed after a failure to pay any fee within the prescribed time and before any enlargement thereof, the Court before which the proceeding is taken may, if it thinks fit, refuse to award any damages in respect of such infringement.

Extension of
term of
patent.

15. (1) A patentee may, after advertising in the prescribed manner his intention to do so, present a petition to the Government praying that his patent may be extended for a further term; but such petition must be left at the Patent Office at least six months before the time limited for the expiration of the patent and must be accompanied by the prescribed fee.

(2) Any person may give notice to the Controller of objection to the extension.

(3) Where a petition is presented under sub-section (1), the Government may, as it thinks fit, dispose of the petition or refer it to the Chief Court for decision.

(4) If the petition be referred to the Chief Court, then on the hearing of such petition under this section the patentee, and any person who has given notice under sub-section (2) of objection, shall be made parties to the proceeding, and the Controller shall be entitled to appear and be heard.

(5) The Court to which the petition is referred shall, in considering its decision, have regard to the nature and merits of the invention in relation to the public, to the profits made by the patentee as such, and to all the circumstances of the case.

(6) If it appears to the Government or to the Chief Court when the petition has been referred to it, that the patentee has been inadequately remunerated by his patent, the Government or the Chief Court, as the case may be, may by order extend the term of the patent for a further term not exceeding seven, or, in exceptional cases, fourteen years, or may order the grant of a new patent for such term as may be specified in the order and subject to the payment of such fees as may be prescribed and containing any restriction, conditions and provisions which the Government or the Chief Court as the case may be may think fit;

Provided that any patent so extended or granted shall, notwithstanding anything therein, or in this Regulation, cease if the inventor fails to pay before the expiration of each year the prescribed fee.

16. (1) Where any patent has ceased owing to the failure of the patentee to pay any prescribed fee within the prescribed time, the patentee may apply to the Controller in the prescribed manner for an order for the restoration of the patent. **Restoration of lapsed patent.**

(2) Every such application shall contain a statement of the circumstances which have led to the omission of the payment of the prescribed fee.

(3) If it appears from such statement that the omission was unintentional or unavoidable and that no undue delay has occurred in the making of the application, the Controller shall advertise the application in the prescribed manner, and within such time as may be prescribed any person may give notice of opposition at the Patent Office.

(4) Where such notice is given, the Controller shall notify the applicant thereof.

(5) After the expiration of the prescribed period, the Controller shall hear the case and, subject to an appeal to the Government, issue an order either restoring the patent subject to any conditions and restriction deemed to be advisable or dismissing the application.

Provided that in every order under this section restoring a patent such provisions as may be prescribed shall be inserted for the protection of persons who may have availed themselves of the subject-matter of the patent after the patent had ceased.

Amendment of Application or Specification.

17. (1) An applicant or a patentee may at any time, by request in writing left at the Patent Office and accompanied by the prescribed fee, seek leave to amend his application or specification, including drawings forming part thereof, by way of disclaimer, correction or explanation stating the nature of, and the reasons for, the proposed amendment. **Amendment of application or specification by Controller.**

(2) If the application for a patent has not been accepted, the Controller shall determine whether and subject to what conditions (if any), the amendment shall be allowed.

(3) In any other case the request and the nature of the proposed amendment shall be advertised in the prescribed manner, and at any time within three months from its first advertisement any person may give notice at the Patent Office of opposition to the amendment.

(4) Where such a notice is given, the Controller shall give notice of the opposition to the person making the request, and shall hear and decide the case.

(5) Where no notice of opposition is given, or the person so giving notice of opposition does not appear, the Controller

shall determine whether and subject to what conditions, if any, the amendment ought to be allowed.

(6) The decision of the Controller in either case shall be subject to an appeal to the Government.

(7) No amendment shall be allowed that would make the application or specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the application or specification as it stood before amendment.

(8) Leave to amend shall be conclusive as to the right of the party to make the amendment allowed, except in case of fraud; and the amendment shall be advertised in the prescribed manner, and shall in all Courts and for all purposes be deemed to form part of the application or specification.

(9) This section shall not apply when and so long as any suit for infringement or proceeding before a Court for the revocation of the patent is pending.

Amendment
of specifica-
tion by the
Court.

18. In any suit for infringement of a patent or proceeding before a Court for the revocation of a patent, the Court may by order allow the patentee to amend his specification by way of disclaimer in such manner, and subject to such terms as to costs, advertisement or otherwise, as the Court may think fit;

Provided that no amendment shall be so allowed that would make the specification, as amended, claim an invention substantially larger than, or substantially different from, the invention claimed by the specification as it stood before the amendment, and where an application for such an order is made to the Court notice of the application shall be given to the Controller, and the Controller shall have the right to appear and be heard.

Restriction
on recovery
of damages.

19. Where an amendment of a specification by way of disclaimer, correction or explanation has been allowed under this Regulation, no damages shall be given in any suit in respect of the use of the invention before the disclaimer, correction or explanation, unless the patentee establishes to the satisfaction of the Court that his original claim was framed in good faith and with reasonable skill and knowledge.

Register of Patents.

Register of
Patents.

20. (1) There shall be kept at the Patent Office a book called the Register of Patents, wherein shall be entered the names and addresses of grantees of patents, notifications of assignments and of transmissions of patents, of licenses under patents and of amendments, extensions, and revocations of patents, and such other matters affecting the validity or proprietorship of patents as may be prescribed.

(2) The register of inventions and address book existing at the commencement of this Regulation shall be incorporated

form part of, the register of patents under this Regu-

The register of patents shall be *prima facie* evidence against matters by this Regulation directed or authorised to be therein.

20. Copies of deeds, licenses any any other documents; the proprietorship in any patent or in any license there- must be supplied to the Controller in the prescribed man- filing in the Patent Office, and, unless such copies have supplied, such deeds, licenses or other documents shall received as evidence of any transaction affecting a patent.

21. Subject to any conditions which the Government may have imposed, a patent shall have to all intents the like effect as against the Government of Mysore as it has against the subject. Patent to bind Government.

Provided that the officers or authorities administering any department of the service of the Government may, by themselves, their agents, contractors or others, at any time after the application, use the invention for the services of the Government on such terms as may, either before or after the use thereof, be agreed on, with the approval of the Government between those officers or authorities and the patentee, or, in default of agreement, as may be settled by the Government of Mysore after hearing all parties interested.

Compulsory licenses and Revocation.

22. (1) Any person interested may present a petition to the Government which shall be left at the Patent Office, together with the prescribed fee, alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied, and praying for the grant of a compulsory license, or in the alternative, for the revocation of the patent. Compulsory licenses and revocation.

(2) The Government shall consider the petition, and if the parties do not come to an arrangement between themselves the Government may, as it thinks fit, either dispose of the petition or refer it to the Chief Court for decision.

(3) The provisions of sub-section (4) of Section 15, prescribing the procedure to be followed in the case of references to the Court under that section, shall apply in the case of references made to the Court under this section.

(4) If the Government is of opinion, or where reference has been made under sub section (2) to the Chief Court that Court finds, that the reasonable requirements of the public with reference to the patented invention have not been satisfied the patentee may be ordered to grant licenses on such terms as the Government or the Chief Court, as the case may be, may think just, or, if the Government or the Chief Court is of opinion that the reasonable requirements of the public will not be satisfied by the grant of the licenses, the patent may be revoked by order of the Government or the Chief Court:

Provided that an order of revocation shall not be made before the expiration of four years from the date of grant or if the patentee gives satisfactory reasons for his default.

(5) For the purposes of this section the requirements of the public shall not be deemed to be satisfied—

(a) If by reason of the default of the patentee to manufacture to an adequate extent and supply on reasonable terms the patented article, or any parts thereof which are necessary for its efficient working, or to carry on the patented process to an adequate extent or to grant licenses on reasonable terms, any existing trade or industry or the establishment of any new trade or industry in Mysore is unfairly prejudiced, or the demand for the patented article or the article produced by the patented process is not reasonably met; or

(b) If any trade or industry in Mysore is unfairly prejudiced by the conditions attached by the patentee before or after the commencement of this Regulation to the purchase, hire or use of the patented article or to the using or working of the patented process.

(6) An order of the Government or of the Chief Court directing the grant of any license under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a license and made between the parties to the proceeding.

Revocation
of patents
worked
outside
Mysore.

23. (1) At any time not less than four years after the date of a patent granted under this Regulation, any person may apply to the Government for the revocation of the patent on the ground that the patented article or process is manufactured or carried on exclusively or mainly outside the territories of Mysore.

(2) The Government shall consider the application, and if after inquiry, it is satisfied—

(a) that the allegations contained therein are correct; and

(b) that the applicant is prepared, and is in a position, to manufacture or carry on the patented article or process in Mysore; and

(c) that the patentee refuses to grant a license on reasonable terms,

then, subject to the provisions of this section, and unless the patentee proves that the patented article or process is manufactured or carried on to an adequate extent in Mysore, or gives satisfactory reasons why the article or process is not so manufactured or carried on, the Government may make an order revoking the patent either—

i) forthwith; or

ii) after such reasonable interval as may be specified in the order, unless in the meantime it is shown to the satisfaction that the patented article or process is manufactured or carried on within Mysore to an adequate extent.

(3) No order revoking a patent shall be made under the last sub-section which is at variance with any treaty convention arrangement or engagement with any foreign country or British possession.

(4) The Government may, on the application of the patentee, extend the time limited in any order made under sub-section (2) clause (ii), for such period not extending two years as he may specify in a subsequent order or revoke any order made under sub-section (2), clause (ii), or any subsequent order if sufficient cause is in his opinion shown by the patentee.

24. A patentee may at any time, by giving notice in the prescribed manner to the Controller, offer to surrender his patent, and the Controller may, if after giving notice of the offer and hearing all parties who desire to be heard he thinks fit, accept the offer, and thereupon make an order for the revocation of the patent.

Power of Controller to revoke surrendered patent.

25. A patent shall be deemed to be revoked if the Government declares, by notification in the Official Gazette, the patent or the mode in which it is exercised to be mischievous to the State or generally prejudicial to the public.

Revocation of patent on public grounds.

Legal Proceedings.

26. (1) Revocation of a patent in whole or in part may be obtained on petition to the Chief Court on all or any of the following grounds, namely:—

Revocation, for revocation of patent.

(a) that any invention included in the statement of claim is of no utility;

(b) that any invention included in the statement of claim was not, at the date of the application for a patent, a new invention within the meaning of this Regulation;

(c) That the applicant was not the true and first inventor thereof or the assign or legal representative of such inventor thereof;

(d) that the original or any amended application or specification does not fulfil the requirements of this Regulation;

(e) that the applicant has knowingly or fraudulently included in the application for a patent or in the original or any amended specification, as his invention, something which was not new or whereof he was neither the inventor nor the assign nor the legal representative of such inventor;

(f) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent misstatement;

(g) that a part of the invention or the manner in which a part is to be made and used as described in the original or any amended specification, is not thereby sufficiently described and that this insufficiency was fraudulent or is injurious to the public.

(2) A petition for revocation of a patent may be presented—

(a) by the Government Advocate or any person authorised by him; or

(b) by any person alleging—

(i) that the patent was obtained in fraud of his rights, or of the rights of any person under or through whom he claims; or

(ii) that he, or any person under or through whom he claims, was the true and first inventor of any invention included in the claim of the patentee; or

(iii) that he, or any person under or through whom he claims an interest in any trade, business or manufacture, had publicly manufactured, used or sold, within Mysore, before the date of the patent, anything claimed by the patentee as his invention.

(3) The Chief Court may, irrespective of any provisions of the Code of Civil Procedure, 1911, in this behalf, require any person, other than the Government Advocate or any person authorised by him, applying for the revocation of a patent to give security for the payment of all costs incurred or likely to be incurred by any person appearing to oppose the petition.

Notice of proceedings to persons interested.

27. (1) Notice of any petition for revocation of a patent under section 26 shall be served on all persons appearing from the register to be proprietors of that patent or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(2) The notice shall be deemed to be sufficiently served if a copy thereof is sent by post in a registered letter directed to the person and place for the time being stated in the register.

Framing issue for trial before other Courts.

28. (1) The Chief Court may, if it thinks fit, direct an issue for the trial, before itself, or any District Court, of any question arising upon a petition to itself under section 26, and the issue shall be tried accordingly.

(2) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the Chief Court, and the Chief Court may thereupon act upon the finding of the District Court, or dispose of the petition upon the evidence recorded, or direct a new trial, as the justice of the case may require.

Suits for infringement of patents.

29. (1) A patentee may institute a suit in a District Court having jurisdiction to try the suit against any person who, during the continuance of a patent acquired by him under this Regulation in respect of an invention makes, sells or uses the invention without his license, or counterfeits it, or imitates it.

(2) Every ground on which a patent may be revoked under this Regulation shall be available by way of defence to a suit for infringement.

30. A patentee shall not be entitled to recover any damages in respect of any infringement of a patent granted after the commencement of this Regulation from the defendant who proves that at the date of the infringement he was not aware, nor had reasonable means of making himself aware, of the existence of the patent, and making of an article with the word "patent"; "patented," or any word or words expressing or implying that a patent has been obtained for the article, stamped, engraved, impressed on, or otherwise applied to the article, shall not be deemed to constitute notice of the existence of the patent unless the word or words are accompanied by the year and number of the patent:

Exemption of innocent infringer from liability for damages.

Provided that nothing in this section shall affect any proceedings for an injunction.

31. In a suit for infringement of a patent, the Court may, on the application of either party, make such order for an injunction, inspection or account, and impose such terms and give such directions respecting the same and the proceedings thereon, as the Court may see fit.

Order for inspection etc., in suit.

32. In a suit for infringement of a patent, the Court may certify that the validity of the patent came in question, and if the Court so certifies, then in any subsequent suit in that Court for infringement of the same patent the plaintiff, on obtaining a final order or judgment in his favour, shall, unless the Court trying the suit otherwise directs, have his full costs, charges and expenses of and incidental to the said suit properly incurred.

Certificate of validity questioned and costs thereon

33. A Court making a decree in a suit under section 29 or an order on a petition under section 26 shall send a copy of the decree or order, as the case may be, to the Controller, who shall cause an entry thereof and reference thereto to be made in the register of patents.

Transmission of decrees and orders to the Controller.

34. (1) In a suit or proceeding for infringement or revocation of a patent, the Court may, if it thinks fit, and shall, on the request of either of the parties to the proceedings, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance.

Hearing with assessor.

(2) A Court exercising appellate jurisdiction in respect of such suit or proceedings may, if it thinks fit, call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall in every case be determined by the Court and be paid by it as part of the expenses of the execution of this Regulation.

35. Where any person claiming to be the patentee of an invention, by circulars, advertisements or otherwise, threatens

Remedy in case of groundless threats of legal proceedings.

any other person with any legal proceedings or liability in respect of any alleged infringement of the patent, any person aggrieved thereby may bring a suit against him in a District Court having jurisdiction to try the suit, and may obtain an injunction against the continuance of such threats, and may recover such damage (if any) as he has sustained thereby, if the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats :—

Provided that this section shall not apply if the person making such threats with due diligence commences and prosecutes a suit for infringement of his patent.

Miscellaneous.

Grant of
patents to
two or more
persons.

36. Where, after the commencement of this Regulation a patent is granted to two or more persons jointly, they shall, unless otherwise specified in the patent, be treated for the purpose of the devolution of the legal interest therein as joint tenants, but, subject, to any contract to the contrary, each of such persons shall be entitled to use the invention for his own profit without accounting to the others, but shall not be entitled to grant a license without their consent, and, if any such person dies, his beneficial interest in the patent shall devolve on his legal representatives.

Novelty of
invention.

37. (1) An invention shall be deemed a new invention within the meaning of this Regulation—

(a) if it has not, before the date of the application for a patent thereon, been publicly used in any part of Mysore, or been made publicly known in any part of Mysore, and

(b) if the inventor has not by secret or experimental user made direct or indirect profits from his invention in excess of such an amount as the Court or the Government, as the case may be, may in consideration of all the circumstances of the case, deem reasonable.

(2) The public use or knowledge of an invention before the date of the application for a patent thereon shall not be deemed a public use or knowledge within the meaning of this Regulation if the knowledge has been obtained surreptitiously or in fraud of the true and first inventor or has been communicated to the public in fraud or such inventor or in breach of confidence :

Provided that such inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for a patent.

Loss or de-
struction of
patent.

38. If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Controller, the Controller may at any time, on payment of the prescribed fee, seal duplicate thereof.

39. (1) The exhibition of an invention at an industrial or international exhibition, certified as such by the Government, or the publication of any description of the invention during the period of the holding of the exhibition, or the use of the invention for the purpose of the exhibition in the place where the exhibition is held, or the use of the invention during the period of the holding of the exhibition by any person elsewhere, without the privity or consent of the inventor, shall not prejudice the right of the inventor to apply for and obtain a patent in respect of the invention or the validity of any patent granted on the application.

Provisions as to exhibitions.

Provided that—

(a) the exhibitor, before exhibiting the invention, gives the Controller the prescribed notice of his intention to do so; and

(b) the application for a patent is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the Official Gazette, apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government, and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit, and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

PART II.

DESIGNS.

Registration of Designs.

40. (1) The Controller may, on the application of any person claiming to be the proprietor of any new or original design not previously published in the territories of Mysore, register the design under this Part.

Application for registration of designs.

(2) The application must be made in the prescribed form and must be left at the Patent Office in the prescribed manner and must be accompanied by the prescribed fee.

(3) The same design may be registered in more than one class, and, in case of doubt, as to the class in which a design ought to be registered, the Controller may decide the question.

(4) The Controller may, if he thinks fit, refuse to register any design presented to him for registration; but any person aggrieved by any such refusal may appeal to the Government.

(5) An application which, owing to any default or neglect on the part of the applicant, has not been completed so as to enable registration to be effected within the prescribed time shall be deemed to be abandoned.

(6) A design when registered shall be registered as of the date of the application for registration.

Registration
of designs in
new classes.

41. Where a design has been registered in one or more classes of goods, the application of the proprietor of the design to register it in some one or more other classes shall not be refused, nor shall the registration thereof be invalidated—

(a) on the ground of the design not being a new and original design, by reason only that it was so previously registered; or

(b) on the ground of the design having been previously published in Mysore by reason only that it has been applied to goods of any class in which it was so previously registered.

Certificate of
registration.

42. (1) The Controller shall grant a certificate of registration to the proprietor of the design when registered.

(2) The Controller may, in case of loss of the original certificate, or in any other case in which he deems it expedient furnish one or more copies of the certificate.

Register of
Designs.

43. (1) There shall be kept at the Patent Office a book called the Register of Designs, wherein shall be entered the names and addresses of proprietors of registered designs, notifications of assignments and of transmissions of registered designs and such other matters as may be prescribed.

(2) The register of designs existing at the commencement of this Regulation shall be incorporated with and form part of the register of designs under this Regulation.

(3) The register of designs shall be *prima facie* evidence of any matters by this Regulation directed or authorised to be entered therein.

Copyright in Registered Designs.

Copyright on
Registration.

44. (1) When a design is registered, the registered proprietor of the design shall, subject to the provisions of this Regulation, have copyright in the design during five years from the date of registration.

(2) If within the prescribed time before the expiration of the said five years application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller shall, on payment of the prescribed fee, extend the period of copyright for a second period of five years from the expiration of the original period of five years.

(3) If within the prescribed time before the expiration of such second period of five years application for the extension of the period of copyright is made to the Controller in the prescribed manner, the Controller may, subject to any rules under this Regulation, on payment of the prescribed fee, extend the period of copyright for a third period of five years from the expiration of the second period of five years.

45. (1) Before delivery on sale of any articles to which a registered design has been applied, the proprietor shall—

Require-
ments before
delivery on
sale.

(a) (If exact representations or specimens were not furnished on the application for registration), furnish to the Controller the prescribed number of exact representations or specimens of the design; and, if he fails to do so, the Controller may erase his name from the register, and thereupon the copyright in the design shall cease; and

(b) cause each such article to be marked with the prescribed mark, or with the prescribed words or figures, denoting that the design is registered and, if he fails to do so, the proprietor shall not be entitled to recover any penalty or damages in respect of any infringement of his copyright in the design unless he shows that he took all proper steps to ensure the marking of the article, or unless he shows that the infringement took place after the person guilty thereof knew or had received notice of the existence of the copyright in the design.

(2) Where a representation is made to the Government by or on behalf of any trade or industry that in the interests of the trade or industry it is expedient to dispense with or modify as regards any class or description of articles any of the requirements of this section as to marking, the Government may, if it thinks fit, by rule under this Regulation, dispense with or modify such requirements as regards any such class or description of articles to such extent and subject to such conditions as it thinks fit.

46. The disclosure of a design by the proprietor to any other person, in such circumstances as would make it contrary to good faith for that other person to use or publish the design and the disclosure of a design in breach of good faith by any person other than the proprietor of the design, and the acceptance of a first and confidential order for goods bearing a new or original textile design intended for registration, shall not be deemed to be a publication of the design sufficient to invalidate the copyright thereof if registration thereof is obtained subsequently to the disclosure or acceptance.

Effect of
disclosure on
copyright.

47. (1) During the existence of copyright in a design, or such shorter period not being less than two years from the registration of the design as may be prescribed, the design shall not be open to inspection except by the proprietor or a person authorized in writing by him, or a person authorized by the Controller or by the Court, and furnishing such information as may enable the Controller to identify the design, and shall not be open to the inspection of any person except in the presence of

Inspection of
registered
designs.

the Controller, or of an officer acting under him, and on payment of the prescribed fee; and the person making the inspection shall not be entitled to take any copy of the design, or of any part thereof:

Provided that, where registration of a design is refused, on the ground of identity with a design already registered, the applicant for registration shall be entitled to inspect the design so registered.

(2) After the expiration of the copyright in a design, or such shorter period as aforesaid the design shall be open to inspection, and copies thereof may be taken by any person on payment of the prescribed fee.

(3) Different periods may be prescribed under this section for different classes of goods.

Information
as to exis-
tence of copy-
right.

48. On the request of any person furnishing such information as may enable the Controller to identify the design, and on payment of the prescribed fee, the Controller shall inform such person whether the registration still exists in respect of the design, and, if so, in respect of what classes of goods, and shall state the date of registration, and the name and address of the registered proprietor.

Industrial and International Exhibitions.

Provisions
as to exhibi-
tions.

49. (1) The exhibition at an industrial or international exhibition certified as such by the Government or the exhibition elsewhere during the period of the holding of the exhibition, without the privity or consent of the proprietor, of a design, or of any article to which a design is applied, or the publication, during the holding of any such exhibition, of a description of a design, shall not prevent the design from being registered, or invalidate the registration thereof:—

Provided that—

(a) the exhibitor, before exhibiting the design or article, or publishing a description of the design, gives the Controller the prescribed notice of his intention to do so; and

(b) the application for registration is made before or within six months from the date of the opening of the exhibition.

(2) The Government may, by notification in the Official Gazette apply this section to any exhibition mentioned in the notification in like manner as if it were an industrial or international exhibition certified as such by the Government and any such notification may provide that the exhibitor shall be relieved from the condition of giving notice to the Controller of his intention to exhibit and shall be so relieved either absolutely or upon such terms and conditions as may be stated in the notification.

Legal Proceedings.

50. (1) During the existence of copyright in any design it shall not be lawful for any person—

Piracy of
registered
design.

(a) for the purpose of sale to apply or cause to be applied to any article in any class of goods in which the design is registered the design or any fraudulent or obvious imitation thereof, except with the license or written consent of the registered proprietor or to do anything with a view to enable the design to be so applied; or,

(b) knowing that the design or any fraudulent or obvious imitation thereof has been applied to any article without the consent of the registered proprietor, to publish or expose or cause to be published or exposed for sale that article.

(2) If any person acts in contravention of this section, he shall be liable for every contravention—

(a) to pay to the registered proprietor of the design a sum not exceeding five hundred rupees recoverable as a contract debt, or

(b) if the proprietor elects to bring a suit for the recovery of damages for any such contravention, and for an injunction against the repetition thereof, to pay such damages as may be awarded and to be restrained by injunction accordingly:

Provided that the total sum recoverable in respect of any one design under clause (a) shall not exceed one thousand rupees.

(3) When the Court makes a decree in a suit under subsection (2), it shall send a copy of the decree to the Controller, who shall cause an entry thereof to be made in the register of designs.

51. The provisions of this Regulation with regard to certificates of the validity of a patent, and to the remedy in case of groundless threats of legal proceedings, by a patentee shall apply in the case of registered designs in like manner as they apply in the case of patents, with the substitution of references to the copyright in a design for references to a patent, and of references to the proprietor of a design for references to the patentee, and of references to the design for references to the invention.

Application
to designs,
of certain
provisions of
the Regula-
tion as to
patents.

PART III.**GENERAL.***Patent Office and Proceedings threat.*

52. (1) The Government may provide, for the purposes of this Regulation, an office which shall be called, and is in this Regulation referred to as, the Patent Office.

Patent Office

(2) The Patent Office shall be under the immediate control of the Controller of Patents and Designs, who shall act under the superintendence and direction of the Government.

(3) There shall be a seal for the Patent Office.

(4) Any act or thing directed to be done by or to the Controller may be done by or to any officer authorized by the Government.

Officers and clerks.

53. The Government may appoint the Controller, and so many officers and clerks, with such designations and duties, as it thinks fit.

Fees.

Fees.

54. (1) There shall be paid in respect of the patents and the registration of designs, and applications therefor, and in respect of other matters with relation to the patents and designs under this Regulation, such fees as may be prescribed by the Government, so however that the fees prescribed in respect of the instruments and matters mentioned in the schedule shall not exceed those there specified.

(2) A proceeding in respect of which a fee is payable under this Regulation or the rules made thereunder shall be of no effect unless the fee has been paid.

Provisions as to Registers and other Documents in the Patent Office.

Notice of trust not to be entered in registers.

55. There shall not be entered in any register kept under this Regulation or be receivable by the Controller, any notice of any trust, expressed, implied or constructive.

Inspection of and extracts from registers.

56. Every register kept under this Regulation shall at all convenient times be open to the inspection of the public, subject to the provisions of this Regulation; and certified copies, sealed with the seal of the Patent Office, of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Privilege of reports of Controller.

57. Reports of or to the Controller made under this Regulation shall not in any case be published or be open to public inspection.

Prohibition of publication of specification, drawings, etc., where application abandoned etc.

58. (1) Where an application for a patent has been abandoned or become void, the specifications and drawings (if any), accompanying or left in connection with such application, shall not, save as otherwise expressly provided by this Regulation, at any time be open to public inspection or be published by the Controller.

(2) Where an application for a design has been abandoned or refused, the application and any drawings, photographs, tracings, representations or specimens left in connection with the application shall not at any time be open to public inspection or be published by the Controller.

59. The Controller may, on request in writing accompanied by the prescribed fee,—

Power for
Controller of
correct
clerical
errors.

(a) correct any clerical error in or in connection with an application for a patent or in any patent or any specification;

(b) cancel the registration of a design either wholly or in respect of any particular goods in connection with which the design is registered;

(c) correct any clerical error in the representation of a design or in the name or address of the proprietor of any patent or design, or in any other matter which is entered upon the register of patents or the register of designs.

60. (1) Where a person claims to be entitled by assignment, transmission or other operation of law to a patent, or to the copyright in a registered design, the Controller shall, on request and on proof of title to his satisfaction, register his interest in such patent or design.

Entry in
assignments
and trans-
missions in
registers.

(2) Where any person claims to be entitled as mortgagee, licensee or otherwise to any interest in a patent or registered design, the Controller shall, on request and on proof of title to his satisfaction, cause notice of the interest to be entered in the prescribed manner in the register of patents or designs, as the case may be.

(3) The person registered as the proprietor of a patent or design shall, subject to the provisions of this Regulation and to any rights appearing from the register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with, the patent or design and to give effectual receipts for any consideration for any such assignment license or dealing.

Provided that any equities in respect of the patent or design may be enforced in like manner as in respect of any other moveable property.

61. (1) The Chief Court may, on the application in the prescribed manner of any person aggrieved by the non-insertion in or omission from the register of patents or designs of any entry, or by any entry made in either such register without sufficient cause, or by any entry wrongly remaining on either such register, or by an error or defect in any entry in either such register, make such order for making, expunging or varying such entry as it may think fit.

Rectification
of register by
Court.

(2) The Court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of a register.

(3) The prescribed notice of any application under this section shall be given to the Controller, who shall have the right to appear and be heard thereon.

(4) Any order of the Court rectifying a register shall direct that notice of the rectification be served on the Controller

in the prescribed manner, who shall upon the receipt of such notice rectify the register accordingly.

Powers and Duties of Controller.

Powers of
Controller in
Proceeding
under
Regulation.

62. Subject to any rules in this behalf, the Controller in any proceedings before him under this Regulation shall have the powers of a Civil Court for the purpose of receiving evidence and administering oaths and enforcing the attendance of witnesses and compelling the production of documents and awarding costs.

Publication
of patented
inventions.

63. The Controller shall issue periodically a publication of patented inventions containing such information as the Government may direct.

Exercise of
discretionary
power by
Controller.

64. Where any discretionary power is by or under this Regulation given to the Controller, he shall not exercise that power adversely to the applicant for a patent, or for amendment of an application or of a specification, or for registration of a design, without (if so required within the prescribed time by the applicant) giving the applicant an opportunity of being heard.

Power of
Controller to
take direc-
tions of
Government.

65. The Controller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Regulation, apply to the Government for directions in the matter.

Refusal to
grant patent,
etc., in
certain cases.

66. The Controller may refuse to grant a patent for an invention, or to register a design, of which the use would, in his opinion, be contrary to law or morality.

Appeals to
the Govern-
ment,

67. (1) Where an appeal is declared by this Regulation to lie from the Controller to the Government, the appeal shall be made within two months of the date of the order passed by the Controller, and shall be in writing, and accompanied by the prescribed fee.

(2) In calculating the said period of two months the time (if any) occupied in granting a copy of the order appealed against shall be excluded.

(3) The Government may, if it thinks fit, obtain the assistance of an expert in deciding such appeals, and the decision of the Government shall be final.

Evidence, etc.

Certificate of
Controller to
be
evidence

68. A certificate purporting to be under the hand of the Controller as to any entry, matter or thing which he is authorized by this Regulation, or any rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or left undone.

69. Any application, notice or other document authorized or required to be left, made or given at the Patent Office or to the Controller, or to any other person under this Regulation may be sent by post.

Applications
and notices
by post.

70. (1) If any person is, by reason of infancy, lunacy or other disability, incapable of making any statement or doing anything required or permitted by or under this Regulation, the lawful guardian, committee or manager (if any) of the person subject to the disability, or, if there be none, any person appointed by any Court possessing jurisdiction in respect of his property, may make such statement or a statement as nearly corresponding thereto as circumstances permit, and do such thing in the name and on behalf of the person subject to the disability.

Declaration
by infant,
lunatic, etc.

(2) An appointment may be made by the Court for the purposes of this section upon the petition of any person acting on behalf of the person subject to the disability or of any other person interested in the making of the statement or the doing of the thing.

Agency.

71. The following documents, namely,—

- (1) applications for a patent,
- (2) notices of opposition,
- (3) applications for extension of term of a patent,
- (4) applications for the restoration of lapsed patents,
- (5) applications for leave to amend,
- (6) applications for compulsory license or revocation, and
- (7) notices of surrenders of patent,

shall be signed and verified, in the manner prescribed, by the person making such applications or giving such notices :

Subscription
and verification
of certain
documents.

Provided that, if such person is absent from Mysore, they may be signed and verified on his behalf by an agent resident in Mysore, authorized by him in writing in that behalf.

72. (1) All other applications and communications to the Controller under this Regulation may be signed by, and all attendances upon the Controller may be made by or through a legal practitioner or by or through an agent authorized to the satisfaction of the Controller.

Agency.

(2) The Controller may, if he sees fit, require—

- (a) any such agent to be resident in Mysore ;
- (b) any person not residing in Mysore to employ an agent residing in Mysore ;
- (c) the personal signature or presence of any applicant, opponent or other person.

Powers, etc., of Government.

Power for
Government
to make
rules.

73. (1) The Government may make such rules as it thinks expedient, subject to the provisions of this Regulation—

- (a) for regulating the practice of registration under this Regulation ;
- (b) for classifying goods for the purposes of designs ;
- (c) for making or requiring duplicates of specifications, drawings and other documents ;
- (d) for securing and regulating the publishing and selling of copies, at such prices and in such manner as the Government thinks fit, of specifications, drawings and other documents ;
- (e) for securing and regulating the making, printing, publishing, and selling of indexes to, and abridgments of, specifications and other documents in the Patent Office ; and providing for the inspection of indexes and abridgments and other documents ;
- (f) generally for regulating the business of the Patent Office, the conduct of proceedings before the Controller, and all things by this Regulation placed under the direction or control of the Controller or of the Government ; and
- (g) generally for the purpose of carrying into effect the provisions of this Regulation.

(2) The power to make rules under this section shall be subject to the condition of the rules being made after previous publication.

(3) All rules made under this section shall be published in the Official Gazette, and on such publication shall have effect as if enacted in this Regulation.

Offences.

Wrongful use
of words
“Patent
Office.”

• 74. If any person uses on his place of business, or on any document issued by him, or otherwise, the words “Patent Office,” or any other words suggesting that his place of business is officially connected with, or is, the Patent Office, he shall be punishable with fine which may extend to two hundred rupees, and, in the case of a continuing offence, with further fine of twenty rupees for each day on which the offence is continued after conviction therefor.

RECIPROCITY.

Reciprocal arrangements with British India and
other States.

75. (1) If the Government of Mysore makes any arrangement with the United Kingdom or with the Government of British

India or any other State for mutual protection of inventions or designs and declares, by a notification in the Official Gazette, the provisions of this section to be applicable in such cases, then any person who has applied for protection for any invention or design in the United Kingdom, British India or the other State shall be entitled to a patent for his invention or to registration of his design under this Regulation in priority to other applicants and the patent or registration shall have the same date as the date of the application in the United Kingdom, British India or the other State:

Provided that—

(a) The application is made in the case of a patent within twelve months and in the case of a design within four months, from the application for protection in the United Kingdom, British India or the other State.

(b) nothing in this section shall entitle the patentee or proprietor of the design to recover damages for infringements happening prior to the actual date on which, in the case of a patent his application is accepted, or in the case of a design the design is registered in Mysore.

(2) The patent granted for an invention or the registration of a design shall not be invalidated,—

(a) in the case of a patent, by reason only of the publication of a description of, or use of the invention, or

(b) in the case of a design, by reason only of the exhibition or use of, or the publication of a description or representation of, the design,

in Mysore during the period specified in this section as that within which the application may be made.

(3) The application for the grant of a patent or the registration of a design under this section must be made in the same manner as an ordinary application under this Regulation:

Provided that, in the case of a patent, if the application is not accepted within twelve months from the date of the application for protection in the United Kingdom, British India or the other State, the specification and the drawings (if any) supplied therewith shall be open to public inspection at the expiration of that period.

Savings and Repeal.

76. Nothing in this Regulation shall take away, abridge or prejudicially affect the prerogative of His Highness the *Māharāja* in relation to the granting of any letters patent or to the withholding of a grant thereof. Saving for prerogative

Repeal.

77. The Inventions and Designs Regulation, 1894, is hereby repealed.

Provided that this repeal shall not affect any application under the said Regulation pending at the commencement of this Regulation, and all proceedings on such application shall be continued as if this Regulation had not been passed.

**Substitution
of patents
for rights
under
repealed
Regulation.**

78. (1) At any time within two years from the commencement of this Regulation, any person possessing an exclusive privilege under the Inventions and Designs Regulation, 1894, may, by request in writing left at the Patent Office and on payment of the prescribed fee, seek leave to convert his exclusive privilege under the said Regulation into a patent under Regulation.

(2) Notice of any application under this section shall be sent to all persons appearing from the address book kept under the said Regulation to have any shares or interests in the exclusive privilege.

(3) Save as aforesaid, the procedure prescribed in section 17 in the case of applications under that section shall, far as may be, apply to every application under this section.

(4) Every patent granted under this section shall be dated as of the date of the exclusive privilege for which it is substituted.

THE SCHEDULE.

(See Section 54.)

Fees.	Rs.
On application for a patent ...	10
Before sealing a patent ...	30
Before the expiration of the 4th year from the date of the patent.	50
Before the expiration of the 5th year from the date of the patent.	50
Before the expiration of the 6th year from the date of the patent.	50
Before the expiration of the 7th year from the date of patent.	50
Before the expiration of the 8th year from the date of the patent.	50
Before the expiration of the 9th year from the date of the patent.	100
Before the expiration of the 10th year from the date of the patent.	100
Before the expiration of the 11th year from the date of the patent.	100
Before the expiration of the 12th year from the date of the patent.	100
Before the expiration of the 13th year from the date of the patent.	100
Provided that the fees for two or more years may be paid in advance.	
On application to extend term of a patent ...	50
Before the expiration of each year of the extended term of a patent or of a new patent granted under section 15.	100
On application for registration of a design ...	3

A. R. BANERJI,
Dewan.